

CITY OF REDMOND  
RESOLUTION NO. 1337

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, EXPRESSING THE CITY COUNCIL'S INTENT TO ADOPT THE COMMERCIAL, INDUSTRIAL AND DESIGN DISTRICT ZONES, ADMINISTRATION AND PROCEDURES, AND ENVIRONMENTAL REGULATIONS PACKAGES OF THE 2009-2011 REDMOND CODE REWRITE, DEVELOPMENT GUIDE AMENDMENT FILE NO. L090380, SUBJECT TO RECONCILIATION WITH THE REMAINDER OF THE PROJECT

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WHEREAS, the Growth Management Act of 1990 (GMA) requires that the City of Redmond adopt a Comprehensive Plan and implementing regulations; and

WHEREAS, Ordinance No. 887, adopted on October 21, 1979, by the Redmond City Council established the Redmond Community Development Guide; and

WHEREAS, the Redmond Community Development Guide (RCDG) has been amended 291 times since its adoption; and

WHEREAS, in 2008 the City approved the 2009-2011 Redmond Code Rewrite project to rewrite the RCDG; and

WHEREAS, the mission of the Redmond Code Rewrite project is to create a zoning code that improves clarity, conciseness, predictability and usability for residents, development professionals and the business community; maintains the integrity of code concepts adopted over time by the City Council

while utilizing new ideas where appropriate to achieve these concepts; and, implements clearly and effectively the goals, visions and policies of the Comprehensive Plan; and

WHEREAS, the RCDG has been divided into topic-based packages of regulations to be considered during the Redmond Code Rewrite project; and

WHEREAS, the Commercial, Industrial and Design District Zones package includes regulations pertaining to the General Commercial, Neighborhood Commercial, Business Park, Manufacturing Park, Industry, Gateway Design District, and Bear Creek Design District zones; and

WHEREAS, the Administration and Procedures package includes regulations pertaining to processing and notice requirements related to development review including a general overview of the development review process, application requirements, permit types and procedures, decision criteria, noticing requirements and post approval actions; and

WHEREAS, the Environmental Regulations package includes regulations pertaining to tree protection, noise standards, critical areas, shorelines and State Environmental Policy Act procedures and critical areas reporting; and

WHEREAS, the Redmond Code Rewrite Commission (CRC) conducted study sessions and public hearings to gather public input on the proposed Commercial, Industrial and Design District Zones package, and on March 1, 2010, completed its unanimous recommendation that the Redmond City Council approve these regulations; and

WHEREAS, the Redmond Code Rewrite Commission conducted study sessions and public hearings to gather public input on the proposed Administration and Procedures package, and on March 15, 2010, completed its unanimous recommendation that the Redmond City Council approve these regulations; and

WHEREAS, the Redmond Code Rewrite Commission conducted study sessions and public hearings to gather public input on the proposed Environmental Regulations package, and on May 10, 2010, 2010 completed its unanimous recommendation that the Redmond City Council approve these regulations; and

WHEREAS, the Redmond City Council has considered the recommendations of the Redmond Code Rewrite Commission, and has held study sessions on the proposed Commercial, Industrial and Design District Zones, Administration and Procedures, and Environmental Regulations packages; and

WHEREAS, the Commercial, Industrial and Design District Zones, Administration and Procedures, and Environmental Regulations packages are consistent with the adopted project mission and guiding principles, as well as the Redmond Comprehensive Plan as required by the existing Redmond Community Development Guide; and

WHEREAS, the Redmond City Council must adopt the new Redmond Zoning Code as one complete package, which is expected to occur in Spring 2011.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1.      Mission Statement and Guiding Principle Consistency.      After reviewing the proposed Commercial, Industrial, and Design District Zones, Administration and Procedures, and Environmental Regulations packages, the City Council agrees that the regulations are consistent with the Redmond Code Rewrite project mission statement and guiding principles.

Section 2.      Intent to Adopt.      The City Council intends to adopt the proposed Commercial, Industrial and Design District Zones, Administration and Procedures, and Environmental Regulations packages set forth in Exhibits A through C attached



hereto and incorporated herein by this reference subject to reconciliation with the remainder of the Redmond Code Rewrite project and SEPA review of the entire Redmond Code Rewrite project.

ADOPTED by the Redmond City Council this 17<sup>th</sup> day of August, 2010.

APPROVED:

  
\_\_\_\_\_  
JOHN MARCHIONE, MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

FILED WITH THE CITY CLERK: August 11, 2010  
PASSED BY THE CITY COUNCIL: August 17, 2010  
EFFECTIVE DATE: August 17, 2010  
RESOLUTION NO.1337

ADOPTED 6-1; YES: Allen, Carson, Margeson, Myers, Stilin and Vache, NO: Cole

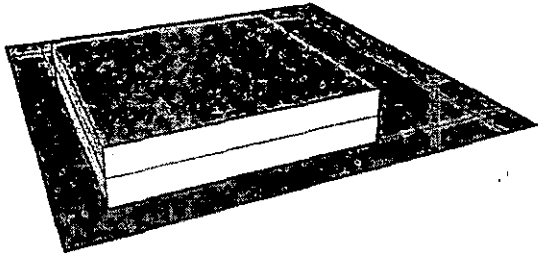
## Exhibit A1: CRC Recommended Amendment-Neighborhood Commercial

### 10 Purpose

The purpose of the Neighborhood Commercial (NC) zone is to provide for attractively designed small- to medium scale shopping areas that offer convenience goods, professional and business services, and personal services for the daily needs of nearby neighborhoods and that serve as neighborhood gathering places. The intent is to promote compatibility with the neighborhood character and to reduce trip length and frequency by allowing only those uses that primarily serve the neighborhood and that do

not have a tendency to draw traffic from outside the neighborhood. Location on transit routes and near pedestrian facilities and bike paths is intended to encourage transit use, walking, and biking and to promote convenient access within the shopping area and to and from the neighborhood. Neighborhood Commercial developments should be compatible in height, size, bulk, and design with adjacent residential uses. Mixed-use development is encouraged.

### 20 Maximum Development Yield

	Base	Bonuses Available, and Quantity	Maximum	<p>Example of a 2-story building with FAR = 0.60.</p>  <p>(insert gridlines consistent w/ Council direction)</p>
Floor area ratio (FAR)	0.60	None	0.60	
Height	2 stories	None	2 stories	

### 30 Regulations Common to All Uses

Regulation		Standard	Exceptions
Minimum	Lot frontage (ft)	80	<p>1. As part of a binding site plan, site plan entitlement, or master planned development, required setbacks may be modified as follows:</p> <ul style="list-style-type: none"> <li>a. Side setback distances may be modified to permit a zero side setback to accommodate clustering</li> <li>b. Front setbacks may be modified from private streets and access corridors, provided front setbacks are maintained from all public streets</li> </ul> <p>Setbacks for structures abutting residential zones shall not be modified.</p> <p>2. Fences, landscaping, flagpoles, street furniture, transit shelters and slope stability structures are permitted in setback areas, provided that all other applicable requirements are met; no other structures, and no accessory structures are allowed in setback areas.</p> <p>3. Projections or equipment. Attached or detached mechanical structures or equipment, including but not limited to, electrical equipment boxes, heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback. However, mechanical structures or equipment are not allowed in a required setback abutting a residential zone. Where there is no alternative location and the equipment will generate no noise, electrical or utility equipment boxes may be located in a setback abutting a residential zone</p>
	Setbacks (ft)	20	
	Front and street Side and rear	10	
Landscaping		25%	

Regulation		Standard	Exceptions
Maximum	Impervious surface area	75%	
	Height (stories)	2	1. Maximum height in shoreline areas is 35 feet, except that structures, including bridges, that support a regional light rail transit system may be higher than 35 feet but shall be no higher than is reasonably necessary to address the engineering, operational, environmental, and regulatory issues at the location of the structure. (SMP)
	FAR	0.30	1. All legal lots are entitled to 10,000 square feet GFA provided that other site requirements can be met. 2. In mixed-use structures, maximum FAR for residential uses and for other uses in additive (i.e., up to 0.60).
	Sign category	B	

#### 40 Allowed Uses and Basic Development Standards

The following table contains the basic zoning regulations that apply to uses in the Neighborhood Commercial (NC) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Unless otherwise specified, Type II process refers to Site Plan Entitlement or Administrative Modification (depending on the scope of the proposal), Type IV process refers to Conditional Use Permit, and Type V process refers to Development Agreement.

Section	Use	Parking ratio: unit of measure (required, allowed )	Landscaping type	Process	Special Regulations
<b>Residential</b>					
010	Mixed-use residential structure	Studio (1.2, 1.2) 1 bdrm (1.5, 1.5) 2 bdrm (1.8, 1.8) 3+ bdrm (2.0, 2.0)	X*	II	
<b>General Sales or Service</b>					
020	Automobile sales, service, or rental establishment	1000 sq ft gross floor area (4.0, 5.0)	X*	II	1. Gasoline service only – no other uses permitted. 2. Gasoline service permitted only when three sides of site abut nonresidential zone 3. Hours of operation may be limited if residential uses located in upper stories of same building 4. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
030	Consumer goods sales or service, other than heavy or durable				1. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
040	Grocery, food, beverage, and dairy				
050	Health and personal care	1000 sq ft gross floor area (4.0, 5.0)	X*	II	1. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
060	Finance and insurance				1. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building 3. Drive thru facilities prohibited
070	Real estate services				1. Self-storage facilities prohibited
080	Professional services				1. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
090	Full-service restaurant				1. Drive-thru facilities prohibited. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-

Section	Use	Parking ratio: unit of measure (required, allowed )	Landscaping type	Process	Special Regulations
100	Cafeteria or limited-service restaurant	1000 sq ft gross floor area (10.0, 10.0)			tenant building
110	Personal services	1000 sq ft gross floor area (4.0, 5.0)			1. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
Transportation, Communication, Information, and Utilities					
120	Communications and Information	Adequate to accommodate peak use	X*	II	1. Only libraries are permitted. 2. Hours of operation may be limited if residential uses located in upper stories of same building 3. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
130	Large Satellite Dishes/Amateur Radio Antenna(s)			Subject to <u>RCDG 20D:70.145, Telecommunications Facilities</u>	
140	Wireless Communication Facilities				
150	Broadcast and Relay Towers				
160	Local utilities				
170	Regional utilities				
Arts, Entertainment, and Recreation					
180	Museums and other special purpose recreational institutions	1000 sq ft gross floor area (10.0, 10.0)	X*	II	1. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
190	Amusement, sports, or recreation establishment				
200	Natural and other recreational parks	Adequate to accommodate peak use			
Education, Public Administration, Health Care, and Other Institutions					
210	Public administration	1000 sq ft gross floor area (4.0, 5.0)	X*	II	1. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building

Section	Use	Parking ratio: unit of measure (required, allowed )	Landscaping type	Process	Special Regulations
220	Other government functions	Employee during maximum shift (1.0,1.0)			1. Excludes maintenance shops
230	Ambulatory and outpatient services	1000 sq ft gross floor area (4.0, 5.0)			1. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building
240	Social assistance, welfare, and charitable services	Adequate to accommodate peak use			2. Excludes day care centers
250	Day care center				1. Hours of operation may be limited if residential uses located in upper stories of same building 2. Limited to 5,000 square feet gross floor area per establishment in mixed-use or multi-tenant building 3. Play equipment shall be located no less than 10 feet from any property line 4. Shall not be located closer than 300 feet from existing day care operation in residential zone
Other					
260	Water-enjoyment use	Adequate to accommodate peak use	X*	II	1. Only allowed in the Bear Creek shoreline jurisdiction downstream of Avondale Road on Union Hill Road, Redmond Way, or SR 520; and, in the Sammamish River shoreline jurisdiction at NE 85 <sup>th</sup> St. or NE 90 <sup>th</sup> St.
270	Kiosk		X*	II	1. Limited to uses associated with water-enjoyment within the shoreline jurisdictions of Bear Creek and the Sammamish River. 2. Shall not locate in required parking, landscaping, or drive aisle area, or any area that would impede emergency access. 3. Shall not reduce or interfere with functional use of walkway or plaza to below standards of Americans with Disabilities Act. 4. Structures shall be secured to prevent tipping and endangering public safety. 5. Maximum size is six feet wide by ten feet long. 6. Administrative design review required for structures.
280	Vending cart				

Section	Use	Parking ratio: unit of measure (required, allowed )	Landscaping type	Process	Special Regulations
290	Drive-up stand	1000 sq ft gross floor area (4.0, 5.0)			<ol style="list-style-type: none"> <li>1. Limited to uses associated with water-enjoyment within the shoreline jurisdictions of Bear Creek and the Sammamish River.</li> <li>2. Shall not locate in required parking, landscaping, or drive aisle area, or any area that would impede emergency access.</li> <li>3. Shall not reduce or interfere with functional use of walkway or plaza to below standards of Americans with Disabilities Act.</li> <li>4. Structures shall be secured to prevent tipping and endangering public safety.</li> <li>5. Maximum size is six feet wide by ten feet long.</li> <li>6. Administrative design review required for structures.</li> <li>7. Must submit circulation plan addressing queuing.</li> </ol>

#### 50 Cross-references

For information on how to measure various site requirements like height and setbacks, see \_\_\_\_\_, Site Requirements Measurement.

See \_\_\_\_\_, Applicable Development Standards for information on other standards that may apply to you

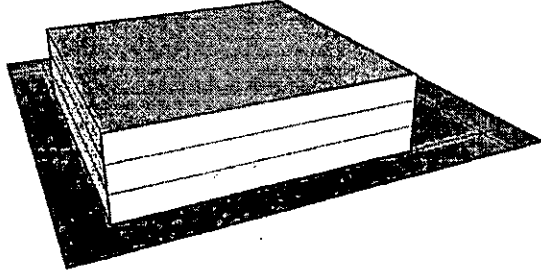
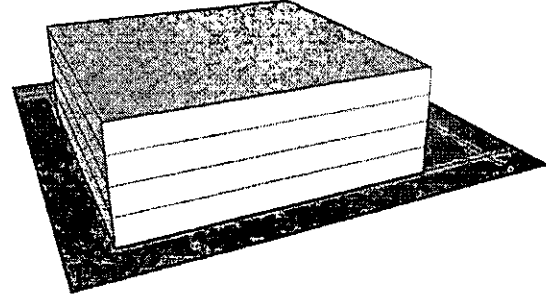
## Exhibit A2: CRC Recommended Amendment-General Commercial

### 10 Purpose

The purpose of the General Commercial (GC) zone is to provide for retail and service businesses that serve community needs and that are better suited for locations outside of the Downtown, Overlake, or Neighborhood Commercial zones. These uses are more land intensive, serve travelers, or

offer warehouse sales and sales of larger goods that make location in the Downtown, Overlake, or Neighborhood Commercial zones undesirable. Examples of such uses include, but are not limited to, large-box retail, vehicles sales and service, mini-warehouses, rental services, wholesale uses, and other similar uses. Mixed-use development is also allowed.

### 20 Maximum Development Yield

	Base	Bonuses Available, and Quantity	Maximum	Example of a 3-story building with FAR = 1.15	Example of 4-story building with FAR = 1.60.
Floor area ratio (FAR)	1.15	TDRs: 0.45	1.60		
Height	3 stories	TDRs: 1 story	4 stories		

### 30 Regulations Common to All Uses

	Regulation	Standard	Exceptions
Minimum	Lot frontage (ft)	30	
	Setback (ft) Front Street	10 10	<ol style="list-style-type: none"> <li>1. A 10-foot rear and side setback shall apply if a structure abuts property in a residential zone</li> <li>2. As part of a binding site plan, site plan entitlement, or master planned development, required setbacks may be modified as follows: <ol style="list-style-type: none"> <li>a. Side setback distances may be modified to permit a zero side setback to accommodate clustering</li> <li>b. Front setbacks may be modified from private streets and access corridors, provided front setbacks are maintained from all public streets.</li> </ol> </li> <li>3. Fences, landscaping, flagpoles, street furniture, transit shelters and slope stability structures are permitted in setback areas, provided that all other applicable requirements are met; no other structures, and no accessory structures are allowed in setback areas.</li> <li>4. Projections or equipment. Attached or detached mechanical structures or equipment, including but not limited to, electrical equipment boxes, heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback. However, mechanical structures or equipment are not allowed in a required setback abutting a residential zone. Where there is no alternative location and the equipment will generate no noise, electrical or utility equipment boxes may be located in a setback abutting a residential zone.</li> </ol>
	Landscaping	25%	
Maximum	Impervious surface area	75%	
	Height	Varies	<ol style="list-style-type: none"> <li>1. Maximum height in shoreline areas is 35 feet, except that structures, including bridges, that support a regional light rail transit system may be higher than 35 feet but shall be no higher than is reasonably necessary to address the engineering, operational, environmental, and regulatory issues at the location of the structure. (SMP)</li> </ol>



			2. Maximum height for mixed-use structures is 3 stories without TDRs and 4 stories with TDRs.
	FAR	Varies	1. In mixed-use structures, maximum FAR for residential uses and for other uses in additive (i.e., up to 1.15 without TDRs and up to 1.60 with TDRs) 2. All legal lots are entitled to 10,000 square feet GFA without the use of TDRs provided that other site requirements can be met.
	Sign category	A	

#### 40 Allowed Uses and Basic Development Standards

The following table contains the basic zoning regulations that apply to uses in the General Commercial (GC) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Unless otherwise

specified, Type II process refers to Site Plan Entitlement or Administrative Modification (depending on the scope of the proposal), Type IV process refers to Conditional Use Permit, and Type V process refers to Development Agreement.

Section	Use	Maximums				Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
Residential									
010	Multi-family dwelling	3	4	0.80	0.90	X*	Studio (1.2, 1.2) 1 bdrm (1.5, 1.5) 2 bdrm (1.8, 1.8) 3+ bdrm (2.0, 2.0)	II	
020	Mixed-use residential structure								
General sales or services									

Section	Use	Maximums				Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
030	Automobile sales, service, or rental establishment	2	3	0.35	0.70	X*	600 sq ft enclosed sales gfa (1.0, 1.0); and 2,500 sq ft open sales/rental display area (1.0, 1.0); and service bay (3.0, 3.0); and employee on maximum shift (1.0, 1.0)	II	<div>1. Shall not abut residential zone</div> <div>2. Sales uses must operate as stand-alone businesses; rental uses may operate in mixed-use developments.</div> <div>3. Rental uses operating in mixed-use developments are limited to eight rental vehicles at any given time in existing parking spaces; additional vehicles may be stored on-site in a building or elsewhere given submittal and approval by the Technical Committee of a vehicle storage plan.</div> <div>4. Vehicle display area shall be outside of required parking and landscape areas.</div> <div>5. Vehicles shall be stored on paved surfaces.</div> <div>6. Advertising signs are not permitted on the outside of vehicles. Signs providing information about the vehicle such as year, make, model, etc. may be displayed on the outside of or in the windows of vehicles.</div> <div>7. Outdoor loudspeaker systems are prohibited.</div> <div>8. Razor wire, chain link, and barbed wire fences prohibited on street or access frontage.</div> <div>9. Vehicle repair shall be conducted indoors.</div>
040	Heavy consumer goods sales or service	2	3	0.35	0.70	X*	1,000 sq ft gfa (4.0, 5.0)	II	<div>1. Multi-lane drive-through uses permitted only as part of multi-story buildings.</div> <div>2. Adequate vehicle queuing space shall be provided outside the public right-of-way, on-site vehicular circulation aisles, and the area between the building and the street.</div> <div>3. Type II landscaping shall screen drive-through lanes</div>
050	Durable consumer goods sales or service								
060	Consumer goods sales or service, other than heavy or durable								
070	Grocery, food and beverage								
080	Convenience store								
090	Health and personal care								
100	Finance and insurance								
110	Real estate services								
120	Professional services								

Section	Use	Maximums				Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
130	Administrative services								
140	Full-service restaurant								
150	Cafeteria or limited service restaurant								
160	Bar or drinking place								
170	Personal services								
180	Pet and animal sales or service (except veterinary)						1,000 sq ft gfa (4.0, 5.0)		1. Boarding and training facilities must be located inside of a structure.
190	Animal kennel/shelter	2	3	0.35	0.70	X*	1,000 sq ft gfa (4.0, 5.0)	II	1. Boarding facilities must be located inside of a structure. 2. Outdoor runs or yards are allowed for the purpose of exercising animals. Runs/yards must be enclosed by eight-foot-high walls of sound-attenuating fencing or material such as masonry or concrete. 3. The planned maximum number of animals to be sheltered shall be indicated on the application. The maximum may be reduced if the applicant cannot demonstrate that the development has adequate lot size and facility design to accommodate the planned number of animals in a way that ensures neighboring residential properties will not be impacted with noise or odor problems.
200	Hotel or motel						Rental room (1.0, 1.0)		
Transportation, Communication, Information, and Utilities									
210	Road, ground passenger, and transit transportation	2	3	0.35	0.70	X*	1,000 sq ft gfa (4.0, 5.0)	II	1. See requirements for incidental hazardous waste treatment and storage in this table.
220	Communications and information								
230	Large Satellite Dishes/Amateur Radio Antenna(s)						Adequate to accommodate peak use	See RCDG 20D.170.45, Telecommunications Facilities	
240	Wireless Communication Facilities								
250	Broadcast and Relay Towers								
260	Local utilities								II
270	Regional utilities								IV

Section	Use	Maximums				Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
280	Incidental hazardous waste treatment and storage	2	3	0.35	0.70	X*	Adequate to accommodate peak use	II	<ol style="list-style-type: none"><li>1. Allowed only as an accessory use to communications and information; all site requirements for that use apply.</li><li>2. Storage limited to amount necessary for proper function of business, not to exceed quantities permitted by Redmond Fire Department; excess stockpiling prohibited.</li><li>3. Outdoor storage requires Technical Committee approval, and shall be confined to outbuildings, sheds, and other structures where leakage confinement or spill treatment can be reasonably handled and where exposure to the elements does not increase the possibility of a spill incident.</li><li>4. Measures shall be taken in the construction of structures, design of storage areas, and design of delivery areas to prevent release of materials including those resulting from a "worst case" accident and including consideration of large storms where areas are not covered.</li><li>5. Hazardous materials shall not cause fumes, unpleasant odors, or harm to others in the course of normal handling. This shall not preclude the handling of materials with the use of approved filters, hoods, scrubbers, or other methods of removing odors or harm.</li></ol>
Arts, Entertainment, and Recreation									
290	Performing arts or supporting establishment	2	3	0.35	0.70	X*	Assembly uses: 1,000 sq ft gfa (10.0, 10.0), or number of fixed seats (0.2, 0.2) Other uses: 1,000 sq ft gfa (4.0, 5.0)	II	
300	Museums and other special purpose recreational institutions						1,000 sq ft gfa (4.0, 5.0)		
310	Zoos, botanical gardens, arboreta, etc.						Adequate to accommodate peak use		
320	Amusement, sports, or recreation establishment								
330	Natural and other recreational parks						1,000 sq ft gfa (4.0, 5.0)		

Section	Use	Maximums				Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
Education, Public Administration, Health Care, and other Institutions									
340	Public administration	2	3	0.35	0.70	X*	1,000 sq ft gfa (4.0, 5.0)	II	<div>1. Play equipment shall be located no less than 10 feet from any property line</div> <div>2. Shall not be located closer than 300 feet from existing day care operation in residential zone</div> <div>1. A seat is one fixed seat or 18 inches on a pew or bench or seven square feet in the general assembly area (including aisle space, but excluding stage, podium, lobby, and space for musical instruments)</div> <div>2. Storage locations of buses/vans over 10,000 gvw shall be shown on a plan and screened from neighboring properties or right-of-way.</div> <div>3. Decorative fencing or decorative walls and landscaping on side or back lots are required when necessary to prevent visual impacts on neighboring properties and public shoreline areas.</div> <div>4. Off-site parking in residential zones is allowed only with a shared parking agreement with an existing institutional use, such as a school.</div> <div>5. Steeples, bell towers, crosses or other symbolic religious icons mounted on the rooftop may exceed the maximum shoreline building height by 15 feet. (SMP)</div> <div>6. Maximum height for separate structures on-site such as bell towers, crosses, statuary, or other symbolic religious icons is 50 feet.</div>
350	Other government functions								
360	Public safety								
370	Ambulatory and outpatient care services								
380	Day care center						Employee on maximum shift (1.0, 1.0)		
390	Religious institutions	Assembly uses: 1,000 sq ft gfa (10.0, 10.0), or number of fixed seats (0.2, 0.2) Other uses: 1,000 sq ft gfa (4.0, 5.0)							
400	Death care services	1,000 sq ft gfa (4.0, 5.0)							
Other									
410	Water-enjoyment use	35 ft	35 ft	0.35	0.70	X*	1,000 sq ft gfa (4.0, 5.0)	II	<div>1. Only allowed in the Bear Creek shoreline jurisdiction downstream of Avondale Road on Union Hill Road, Redmond Way, or SR 520; and, in the Sammamish River shoreline jurisdiction at NE 85<sup>th</sup> St. or NE 90<sup>th</sup> St.</div>

Section	Use	Maximums				Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
420	Kiosk	1	1					II	1. Limited to uses associated with water-enjoyment within the shoreline jurisdictions of Bear Creek and the Sammamish River.
430	Vending cart								2. Shall not locate in required parking, landscaping, or drive aisle area, or any area that would impede emergency access.
440	Drive-up stand								3. Shall not reduce or interfere with functional use of walkway or plaza to below standards of Americans with Disabilities Act.
									4. Structures shall be secured to prevent tipping and endangering public safety.
									5. Maximum size is six feet wide by ten feet long.
									6. Administrative design review required for structures.
									1. Limited to uses associated with water-enjoyment within the shoreline jurisdictions of Bear Creek and the Sammamish River.
									2. Shall not locate in required parking, landscaping, or drive aisle area, or any area that would impede emergency access.
									3. Shall not reduce or interfere with functional use of walkway or plaza to below standards of Americans with Disabilities Act.
									4. Structures shall be secured to prevent tipping and endangering public safety.
									5. Maximum size is six feet wide by ten feet long.
									6. Administrative design review required for structures.
									7. Must submit circulation plan addressing queuing.

## 50 Cross-references

For information on how to measure various site requirements like height and setbacks, see Site Requirements Measurement.

See Applicable Development Standards for information on other standards that may apply to you.



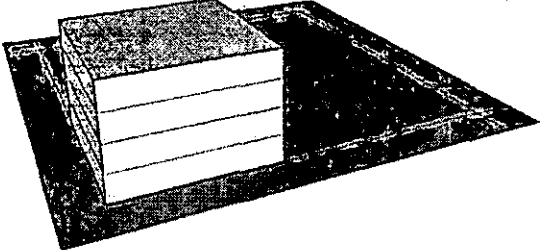
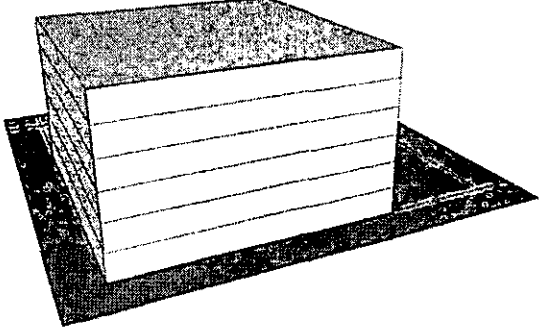
## Exhibit A3: CRC Recommended Amendment-Business Park

### 10 Purpose

The purpose of the Business Park (BP) zone is to provide business and manufacturing employment opportunities that complement commercial activities that are typically found in the Downtown, involve limited outdoor storage, and include a high level of amenities. The Business Park zone provides areas to locate research and development, software development, advanced technology industries, wholesale businesses, manufacturing

businesses with largely indoor operations, offices associated with these uses and uses that require large floor plates such as major medical facilities. Compatible uses that directly support surrounding business park uses, such as restaurants and fitness centers, are allowed. Mixed-use development is also allowed. This zone is not intended for uses that primarily serve the general public.

### 20 Maximum Development Yield

	Base	Bonuses Available, and Quantity	Maximum	Example of a 4-story building with FAR = 0.45	Example of 6-story building with FAR = 2.00.
Floor area ratio (FAR)	1.13	TDRs: 0.87	2.00		
Height	4 stories	TDRs: 1 story Mixed-use residential: 1 story	6 stories		

### 30 Regulations Common to All Uses

	Regulation	Standard	Exceptions
Minimum	Tract area (acres)	1.5	1. Regulation does not apply to: a. Unoccupied accessory utility facilities, or b. Building pad sites where the pad site and the property leased for parking, landscaping, or other purposes exceed the minimum tract area.
	Lot frontage (ft)	30	
	Setbacks Front and Street Rear Side	30 20 40	1. Side and rear setback distances may be modified to permit zero side and rear setbacks to accommodate joint wall construction and clustering of buildings. 2. Front setbacks may be modified from private streets and access corridors, provided front setbacks are maintained from all public streets. 3. Fences, landscaping, flagpoles, street furniture, transit shelters and slope stability structures are permitted in setback areas, provided that all other requirements are met; no other structures, and no accessory structures are permitted in setback areas.
	Landscaping	20%	
	Impervious surface area	75%	
Width	Height	Varies	1. Maximum height in shoreline area is 35 feet. This height limit is restricted to that portion of the building physically located within the shoreline jurisdiction. This height restriction does not apply to rock crushing equipment, asphalt



			and concrete batch plants, silos and other related equipment necessitated to meet environmental controls and structures housing manufacturing facilities which require more clear space than by a 35-foot height limit. The maximum height limit for these features shall be 90 feet. (SMP)
	FAR	Varies	<ol style="list-style-type: none"> <li>1. In mixed-use structures, maximum FAR for residential uses and for other uses in additive (i.e., up to 1.13 without TDRs and up to 2.00 with TDRs)</li> <li>2. All legal lots are entitled to 10,000 square feet GFA without the use of TDRs provided that other site requirements can be met.</li> </ol>
	Sign category	B	

#### 40 Allowed Uses and Basic Development Standards

The following table contains the basic zoning regulations that apply to uses in the Business Park (BP) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Unless otherwise specified,

Type II process refers to Site Plan Entitlement or Administrative Modification (depending on the scope of the proposal), Type IV process refers to Conditional Use Permit, and Type V process refers to Development Agreement.

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
Residential									
010	Mixed-use residential structure	5	6	0.68	1.0	Studio (1.2, 1.2) 1 bdrm (1.5, 1.5) 2 bdrm (1.8, 1.8) 3+ bdrm (2.0, 2.0)	X*	II	
General Sales or Services									
020	Automobile sales, service, or rental establishment	4	5	0.45	1.0	1,000 sq ft gfa (2.0, 3.0)	X*	IV	1. Only gasoline service permitted. 2. Not permitted in BP zones in Sammamish Valley or Willows/Rose Hill neighborhoods.
030	Heavy consumer goods sales or service							II	1. Only rental and repair of goods permitted.
040	Durable consumer goods sales or service								
050	Finance and insurance								
060	Convenience store								1. Permitted in Willows/Rose Hill neighborhood only. 2. See RCDG 20C.70.50-070

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
070	Personal services								
080	Professional services								
090	Administrative services								1. Limited to uses that primarily serve business clients.
100	Services to buildings and dwellings					1,000 sq ft gfa (2.0, 3.0)			
110	Full-service restaurant					Employee on maximum shift (1.0, 1.0)			
120	Cafeteria or limited service restaurant	4	5	0.45	1.0		X*	II	1. Shall be located in multi-tenant building or a single-building in a multi-building, multi-tenant complex. 2. 50-person capacity, except when associated with manufacture of food or kindred products. In that case, maximum is 100 persons or 25% of combined gross floor area, whichever is less. 3. Hours of operation limited to 6am-10pm
130	Bar or drinking place					1,000 sq ft gfa (10.0, 10.0)			
Manufacturing and Wholesale Trade									
140	Manufacturing and wholesale trade	4	5	0.45	1.0	1,000 sq ft gfa (2.0, 3.0)	X*	II	1. At least seventy-five percent of business activity by area must be conducted indoors, including storage of materials used in business activity. 2. Retail sales of goods manufactured on the premises, or accessory or secondary to the primary manufacturing and wholesale trade use, are permitted. Area devoted to retail sales shall not exceed the lesser of 10 percent of combined gross floor area or 1,000 square feet.
Transportation, Communication, Information, and Utilities									
150	Rail transportation								
160	Road, ground passenger, and transit transportation					1,000 sq ft gfa (2.0, 3.0)		II	
170	Courier and messenger services								
180	Heliport facility	4	5	0.45	1.0		X*	IV	
190	Automobile parking facility								1. Storage of impounded, abandoned, or damaged vehicles is prohibited.
200	Communications and information					1,000 sq ft gfa (2.0, 3.0)		II	
210	Large Satellite Dishes/Amateur Radio Antenna(s)					Adequate to accommodate peak use			See RCDG 20D.170.45, Telecommunications Facilities

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
220	Wireless Communication Facilities								
230	Broadcast and Relay Towers								
240	Regional utilities								
250	Local utilities								
260	Incidental hazardous waste treatment and storage	4	5	0.45	1.0	1,000 sq ft gfa (2.0, 3.0)	X*	II	<div>1. Measures shall be taken in the construction of structures, design of storage areas, and design of delivery areas to prevent release of materials including those resulting from a "worst case" accident and including consideration of large storms where areas are not covered.</div> <div>2. Hazardous materials shall not cause fumes, unpleasant odors, or harm to others in the course of normal handling. This shall not preclude the handling of materials with the use of approved filters, hoods, scrubbers, or other methods of removing odors or harm.</div> <div>3. Storage limited to amount necessary for proper function of business, not to exceed quantities permitted by Redmond Fire Department; excess stockpiling prohibited.</div> <div>4. Outdoor storage requires Technical Committee approval, and shall be confined to outbuildings, sheds, and other structures where leakage confinement or spill treatment can be reasonably handled and where exposure to the elements does not increase the possibility of a spill incident.</div>
Arts, Entertainment, and Recreation									
270	Natural and other recreational parks	4	5	0.45	1.0	1,000 sq ft gfa (2.0, 3.0)	X*	II	
280	Amusement, sports, or recreation establishment								1. Limited to fitness and athletic clubs only.
290	Adult entertainment facilities								IV See RCDG 20D.20, Adult Entertainment
Education, Public Administration, Health Care, and other Institutions									
300	Grade schools	4	5	0.45	1.0	Adequate to accommodate peak use	X*	II	1. Type IV review process required if capacity is greater than 150 full-time-students.
310	Colleges and universities								

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
320	Technical, trade, and other specialty schools								
330	Secure community transition facility								See RCDG 20D.170.55, Secure Community Transition Facilities and RCDG 20F.40.80, Essential Public Facilities
340	Ambulatory and outpatient care services								I 1. Only medical diagnostic and short-term treatment facilities where treatment lasts less than 24 hours are permitted. 2. Only permitted in the Bear Creek neighborhood.
350	Day care center	4	5	0.45	1.0	Employee on maximum shift (1.0, 1.0)			I 1. Play equipment shall be located no less than 10 feet from any property line 2. Shall not be located closer than 300 feet from existing day care operation in a residential zone
360	Associations and nonprofit organizations	4	5	0.45	1.0	1,000 sq ft gfa (2.0, 3.0)	X*	II	
Construction-related Businesses									
370	Construction-related businesses	4	5	0.45	1.0	1,000 sq ft gfa (2.0, 3.0)	X*	II	1. Offices uses only.
Other									
380	Water-enjoyment use	45 ft	45 ft	0.45	1.0	1,000 sq ft gfa (2.0, 3.0)			1. Allowed only in the shoreline jurisdiction of Bear Creek, downstream of Avondale Road on Union Hill Road, Redmond Way or SR 520, and the shoreline jurisdiction of the Sammamish River at NE 85 <sup>th</sup> Street and NE 90 <sup>th</sup> Street (SMP)
390	Kiosk								1. Limited to uses associated with water-enjoyment within the shoreline jurisdictions of Bear Creek and the Sammamish River.
400	Vending cart	1	1				X*	II	2. Shall not locate in required parking, landscaping, or drive aisle area, or any area that would impede emergency access. 3. Shall not reduce or interfere with functional use of walkway or plaza to below standards of Americans with Disabilities Act. 4. Structures shall be secured to prevent tipping and endangering public safety. 5. Maximum size is six feet wide by ten feet long. 6. Administrative design review required for structures.

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
410	Drive-up stand					1,000 sq ft gfa (2.0, 3.0)			<div>1. Limited to uses associated with water-enjoyment within the shoreline jurisdictions of Bear Creek and the Sammamish River.</div> <div>2. Shall not locate in required parking, landscaping, or drive aisle area, or any area that would impede emergency access.</div> <div>3. Shall not reduce or interfere with functional use of walkway or plaza to below standards of Americans with Disabilities Act.</div> <div>4. Structures shall be secured to prevent tipping and endangering public safety.</div> <div>5. Maximum size is six feet wide by ten feet long.</div> <div>6. Administrative design review required for structures.</div> <div>7. Must submit circulation plan addressing queuing.</div>

#### 50 Cross-references

For information on how to measure various site requirements like height and setbacks, see           , Site Requirements Measurement.

See           , Applicable Development Standards for information on other standards that may apply to you.

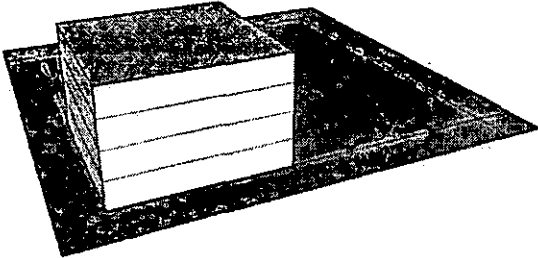
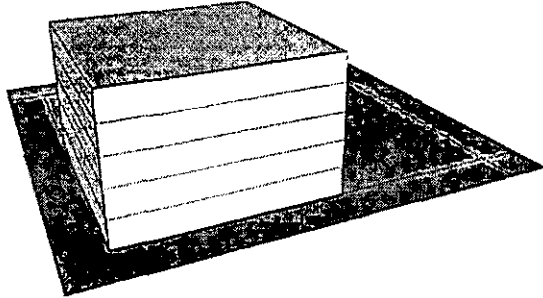
## Exhibit A4: CRC Recommended Amendment-Manufacturing Park

### 10 Purpose

The purpose of the Manufacturing Park (MP) zone is to provide locations for existing and future manufacturing and industrial uses, particularly those that require significant areas for storage of materials and equipment (both indoors and outdoors), and that are better suited for locations outside of Downtown and Overlake due to site requirements, noise impacts, transportation needs, or other considerations. The intent of the Manufacturing Park zone is to

allow manufacturing, research and development, light industry, wholesale, assembly and distribution businesses, and essential public facilities. Office and other secondary uses are limited to those that support these primary uses. Other uses such as day care centers, retail vehicle fuel sales, and technical colleges may be considered. Residential uses, except for secure community transition facilities, are not allowed.

### 20 Maximum Development Yield

	Base	Bonuses Available, and Quantity	Maximum	Example of a 4-story building with FAR = 0.50	Example of 5-story building with FAR = 1.00
Floor area ratio (FAR)	0.25-0.5 (use dependent)	TDRs: 0.5	1.00		
Height	4 stories	TDRs: 1 story	5 stories		

### 30 Regulations Common to All Uses

	Regulation	Standard	Exceptions
Minimum	Tract area (acres)	1.5	1. Regulation does not apply to: a. Unoccupied accessory utility facilities, or b. Building pad sites where the pad site and the property leased for parking, landscaping, or other purposes exceed the minimum tract area.
	Lot frontage (ft)	30	
	Setbacks Front and street Rear and side	30 10	1. Side and rear setback distances may be modified to permit zero side and rear setbacks to accommodate joint wall construction and clustering of buildings. 2. Front setbacks may be modified from private streets and access corridors, provided front setbacks are maintained from all public streets. 3. Fences, landscaping, flagpoles, street furniture, transit shelters and slope stability structures are permitted in setback areas, provided that all other requirements are met; no other structures, and no accessory structures are permitted in setback areas.
	Landscaping	20%	
Maximum	Impervious surface area	80%	
	Height	Varies	1. Maximum height in shoreline area is 35 feet. This height limit is restricted to that portion of the building physically located within the shoreline jurisdiction. This height restriction does not apply to rock crushing equipment, asphalt and concrete batch plants, silos and other related equipment necessitated to meet environmental controls and structures housing manufacturing facilities which require more clear space than by a 35-foot height limit. The

	Regulation	Standard	Exceptions
			maximum height limit for these features shall be 90 feet. (SMP)
	FAR	Varies	1. All legal lots are entitled to 10,000 square feet GFA without the use of TDRs provided that other site requirements can be met.
	Sign category	B	

#### 40 Allowed Uses and Basic Development Standards

The following table contains the basic zoning regulations that apply to uses in the Manufacturing Park (MP) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Unless otherwise

specified, Type II process refers to Site Plan Entitlement or Administrative Modification (depending on the scope of the proposal), Type IV process refers to Conditional Use Permit, and Type V process refers to Development Agreement.

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
General Sales or Services									

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
010	Automobile sales, service, or rental establishment	4	5	0.5	1.0	600 sq ft enclosed sales gfa (1.0, 1.0); and 2,500 sq ft open sales/rental display area (1.0, 1.0); and service bay (3.0, 3.0); and employee on maximum shift (1.0, 1.0)	X*	II	<div>1. Gasoline service follows Type IV review process</div> <div>2. Shall not abut residential zone</div> <div>3. Rental uses operating in mixed-use developments are limited to eight rental vehicles at any given time in existing parking spaces; additional vehicles may be stored on-site in a building or elsewhere given submittal and approval by the Technical Committee of a vehicle storage plan.</div> <div>4. Vehicle display area shall be outside of required parking and landscape areas.</div> <div>5. Vehicles shall be stored on paved surfaces.</div> <div>6. Advertising signs are <i>not permitted on the outside of vehicles</i>. Signs providing information about the vehicle such as year, make, model, etc. may be displayed on the outside of or in the windows of vehicles.</div> <div>7. Outdoor loudspeaker systems are prohibited.</div> <div>8. Razor wire, chain link, and barbed wire fences prohibited on street or access frontage.</div> <div>9. Vehicle repair shall be conducted indoors.</div> <div>10. Auto and motorcycle repair uses may also allow sales, not to exceed 25% of the combined gross floor area of all uses.</div> <div>11. Auto sales only permitted in conjunction with repair (see note 10 above), or as stand-alone businesses on properties with frontage on NE 90<sup>th</sup> St. between Willows Road and 152<sup>nd</sup> Ave. NE, NE 95<sup>th</sup> St. between Willows Road and 151<sup>st</sup> Ave. NE, and 151<sup>st</sup> Ave. NE between NE 90<sup>th</sup> St. and NE 95<sup>th</sup> St.</div>
020	Real estate services	4	5	0.5	1.0	1000 sq ft gfa (2.0, 3.0)	X*	II	<div>1. Mini-warehouses/self-storage only.</div>
030	Heavy consumer goods sales or service		4	0.25	0.25	1000 sq ft gfa (2.0, 5.0)			<div>1. Limited to repair and rental of goods, and membership wholesale/retail warehouses only.</div>
040	Durable consumer goods sales or service								<div>2. For membership wholesale/retail warehouses:<div>a. Permitted in SE Redmond only.</div></div>



Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
050	Consumer goods sales or service, other than heavy or durable								<p>b. A Development Agreement is required and must address the following policy areas of the Comprehensive Plan: land use and design, sustainable building practices, utilities, environmental issues, transportation, parks and open space, and community character.</p> <p>c. A neighborhood meeting is required prior to development agreement public hearing.</p> <p>d. Notice for neighborhood meeting shall be mailed at least 21 days in advance to all owners and tenants of properties within 1,000 feet of the site for which a complete application has been received by the City. Notice shall also be mailed to all homeowners' associations and residential properties adjacent to the specific MP zone in question.</p>
060	Professional services								1. Limited to a) research and development services, and b) other uses that support another permitted use in the MP zone.
070	Administrative services								1. Limited to corporate headquarters and regional offices associated with manufacturing or wholesale trade uses in an MP zone in Redmond.
080	Services to buildings and dwellings								
090	Full-service restaurant								1. Shall be located in multi-tenant building or a single-building in a multi-building, multi-tenant complex.
100	Cafeteria or limited service restaurant		5	0.5	1.0				2. 50-person capacity, except when associated with manufacture of food or kindred products. In that case, maximum is 100 persons or 25% of combined gross floor area, whichever is less.
110	Bar or drinking place								3. Hours of operation limited to 6am-10pm
120	Caterer								
130	Vending machine operator								
140	Food service contractor								

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
150	Animal kennel/shelter	4	5	0.5	1.0	1000 sq ft gfa (2.0, 3.0)	X*	II	1. Boarding facilities must be located inside of a structure. 2. Outdoor runs or yards are allowed for the purpose of exercising animals. Runs/yards must be enclosed by eight-foot-high walls of sound-attenuating fencing or material such as masonry or concrete. 3. The planned maximum number of animals to be sheltered shall be indicated on the application. The maximum may be reduced if the applicant cannot demonstrate that the development has adequate lot size and facility design to accommodate the planned number of animals in a way that ensures neighboring residential properties will not be impacted with noise or odor problems.
Manufacturing and Wholesale Trade									
160	Manufacturing and wholesale trade	4	5	0.5	1.0	1000 sq ft gfa (2.0, 3.0)	X*	II	1. Asphalt and concrete batch plants shall have direct access to arterials. 2. Rock crushing equipment, asphalt, and concrete batch plants, silos and other related equipment may extend to a maximum height of 90 feet. 3. Outdoor processing operations follow a Type II review process. 4. Retail sales of goods manufactured on the premises, or accessory or secondary to the primary manufacturing and wholesale trade use, are permitted. Area devoted to retail sales shall not exceed the lesser of 10 percent of combined gross floor area or 1,000 square feet.
Transportation, Communication, Information, and Utilities									
170	Rail transportation	4	5	0.5	1.0	1000 sq ft gfa (2.0, 3.0)	X*	II	
180	Road, ground passenger, and transit transportation								
190	Truck and freight transportation services								
200	Postal services								
210	Heliport facility								
220	Communications and information								
230	Large Satellite Dishes/Amateur Radio Antenna(s)					Adequate to accommodate peak use			See RCDG 20D.170.45, Telecommunications Facilities
240	Wireless Communication Facilities								

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
250	Broadcast and Relay Towers	4	5	0.5	1.0	Adequate to accommodate peak use	X*	II	See RCDG 20D.170.45, Telecommunications Facilities
260	Regional utilities					1000 sq ft gfa (2.0, 3.0)			1. Measures shall be taken in the construction of structures, design of storage areas, and design of delivery areas to prevent release of materials including those resulting from a "worst case" accident and including consideration of large storms where areas are not covered.
270	Local utilities								
280	Solid waste transfer and recycling								
290	Incidental hazardous waste treatment and storage								
300	Primary hazardous waste treatment and storage	IV	2. Hazardous materials shall not cause fumes, unpleasant odors, or harm to others in the course of normal handling. This shall not preclude the handling of materials with the use of approved filters, hoods, scrubbers, or other methods of removing odors or harm.						
Arts, Entertainment, and Recreation									
310	Natural and other recreational parks	4	5	0.5	1.0	1000 sq ft gfa (2.0, 3.0)	X*	II	1. Limited to fitness and athletic clubs only.
320	Amusement, sports or recreation establishment								
330	Adult entertainment facilities								
Education, Public Administration, Health Care, and other Institutions									
340	Technical, trade, and other specialty schools	4	5	0.5	1.0	Adequate to accommodate peak use	X*	II	1. Type IV review process required if capacity is greater than 150 full-time-equivalent students, where 15 credits per quarter considered full-time. 2. The school shall allow for the efficient operation manufacturing uses. 3. The proposed site design and layout shall minimize the effects of existing manufacturing uses upon the proposal. Site design and layout should include adequate screening of noise, light, and view of adjacent and less aesthetic uses (such as a storage yard).
350	Secure community transition facility					See RCDG 20D.170.55, Secure Community Transition Facilities and RCDG 20F.40.80, Essential Public Facilities			
360	Day care center					Employee on maximum shift (1.0, 1.0)			II

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
370	Religious institutions	4	5	0.5	1.0	Assembly uses: 1,000 sq ft gfa (10.0, 10.0), or number of fixed seats (0.2, 0.2) Other uses: 1,000 sq ft gfa (2.0, 3.0)	X*	II	<ol style="list-style-type: none"><li>1. A seat is one fixed seat or 18 inches on a pew or bench or seven square feet in the general assembly area (including aisle space, but excluding stage, podium, lobby, and space for musical instruments)</li><li>2. Storage locations of buses/vans over 10,000 gvw shall be shown on a plan and screened from neighboring properties or right-of-way.</li><li>3. Decorative fencing or decorative walls and landscaping on side or back lots are required when necessary to prevent visual impacts on neighboring properties and public shoreline areas.</li><li>4. Off-site parking in residential zones is allowed only with a shared parking agreement with an existing institutional use, such as a school.</li><li>5. Steeples, bell towers, crosses or other symbolic religious icons mounted on the rooftop may exceed the maximum shoreline building height by 15 feet. (SMP)</li><li>6. Maximum height for separate structures on-site such as bell towers, crosses, statuary, or other symbolic religious icons is 60 feet.</li><li>7. Institutions with a seating capacity greater than 750 seats shall: be located adjacent to at least one arterial; have a maximum building height of 5 stories; be setback 5 additional feet for every one foot in building height over 45 feet exclusive of rooftop symbolic icons; not contain accessory or stand-alone parking facilities; not contain primary or secondary schools; and shall follow a Type IV review process.</li></ol>
Construction-related Businesses									
380	Construction-related businesses	4	5	0.5	1.0	1000 sq ft gfa (2.0, 3.0)	X*	II	
Other									
390	Water-enjoyment use	45 ft	45 ft	0.5	1.0	1000 sq ft gfa (2.0, 3.0)	X*	II	<ol style="list-style-type: none"><li>1. Allowed only in the shoreline jurisdiction of Bear Creek, downstream of Avondale Road on Union Hill Road, Redmond Way or SR 520, and the shoreline jurisdiction of the Sammamish River at NE 85<sup>th</sup> Street and NE 90<sup>th</sup> Street (SMP)</li><li>2. Maximum height is 45 feet (SMP)</li></ol>

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
		Height (stories)		FAR					
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs				
400	Kiosk	1	1			1000 sq ft gfa (2.0, 3.0)	X*	II	<div>1. Limited to uses associated with water-enjoyment within the shoreline jurisdictions of Bear Creek and the Sammamish River.</div> <div>2. Shall not locate in required parking, landscaping, or drive aisle area, or any area that would impede emergency access.</div> <div>3. Shall not reduce or interfere with functional use of walkway or plaza to below standards of Americans with Disabilities Act.</div> <div>4. Structures shall be secured to prevent tipping and endangering public safety.</div> <div>5. Maximum size is six feet wide by ten feet long.</div> <div>6. Administrative design review required for structures.</div>
410	Vending cart								
420	Drive-up stand					1000 sq ft gfa (2.0, 3.0)			

#### 50 Cross-references

For information on how to measure various site requirements like height and setbacks, see           , Site Requirements Measurement.

See           , Applicable Development Standards for information on other standards that may apply to you.

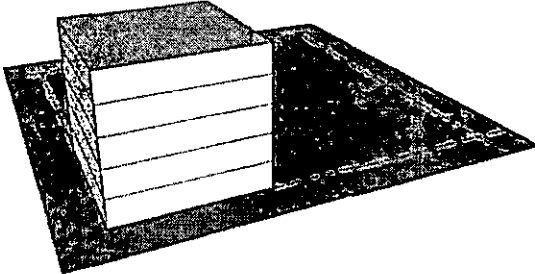
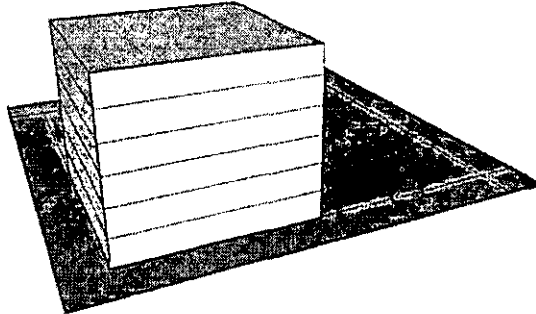
## Exhibit A5: CRC Recommended Amendment-Industry

### 10 Purpose Statement

The purpose of the Industry (I) zone is to provide locations for manufacturing, industrial uses, mineral and resource extraction and processing, wholesale

trade and distribution, and associated warehouse and storage activities. Residential uses are generally prohibited.

### 20 Maximum Development Yield

	Base	Bonuses Available, and Quantity	Maximum	Example of a 5-story building with FAR = 0.50	Example of 6-story building with FAR = 1.00
Floor area ratio (FAR)	0.50	TDRs: 0.50	1.00		
Height	5 stories	TDRs: 1 story	6 stories		

### 30 Regulations Common to All Uses

	Regulation	Standard	Exceptions
Minimum	Tract area (acres)	1	1. Regulation does not apply to: a. Unoccupied accessory utility facilities, or b. Building pad sites where the pad site and the property leased for parking, landscaping, or other purposes exceed the minimum tract area.
	Lot frontage (ft)	30	
	Setbacks Front and street Rear and side	30 10	1. Side and rear setback distances may be modified to permit zero side and rear setbacks to accommodate joint wall construction and clustering of buildings. 2. Front setbacks may be modified from private streets and access corridors, provided front setbacks are maintained from all public streets. 3. Fences, landscaping, flagpoles, street furniture, transit shelters and slope stability structures are permitted in setback areas, provided that all other requirements are met; no other structures, and no accessory structures are permitted in setback areas.
	Landscaping	20%	
Maximum	Impervious surface area	80%	1. Industrial uses on sites less than 10 acres may exclude lined ponds that are part of a water treatment facility from impervious surface area calculations.
	Height (stories) Without TDRs With TDRs	5 6	1. Maximum height in shoreline area is 35 feet. This height limit is restricted to that portion of the building physically located within the shoreline jurisdiction. This height restriction does not apply to rock crushing equipment, asphalt and concrete batch plants, silos and other related equipment necessitated to meet environmental controls and structures housing manufacturing facilities which require more clear space than by a 35-foot height limit. The maximum height limit for these features shall be 90 feet. (SMP)

	FAR Without TDRs With TDRs	0.5 1.0	1. All legal lots are entitled to 10,000 square feet GFA without the use of TDRs provided that other site requirements can be met.
	Sign category	B	

#### 40 Allowed Uses and Basic Development Standards

The following table contains the basic zoning regulations that apply to uses in the Industry (I) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Unless otherwise specified, Type II

process refers to Site Plan Entitlement or Administrative Modification (depending on the scope of the proposal), Type IV process refers to Conditional Use Permit, and Type V process refers to Development Agreement.

Section	Use	Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
General Sales or Services					
010	Automobile sales, service, or rental establishment	600 sq ft enclosed sales gfa (1.0, 1.0); and 2,500 sq ft open sales/rental display area (1.0, 1.0); and service bay (3.0, 3.0); and employee on maximum shift (1.0, 1.0)	X*	II	1. Repair only, except that auto and motorcycle sales may occupy up to 25% of the combined gross floor area. 2. Shall not abut residential zone 3. Vehicle display area shall be outside of required parking and landscape areas. 4. Vehicles shall be stored on paved surfaces. 5. Advertising signs are not permitted on the outside of vehicles. Signs providing information about the vehicle such as year, make, model, etc. may be displayed on the outside of or in the windows of vehicles. 6. Outdoor loudspeaker systems are prohibited. 7. Razor wire, chain link, and barbed wire fences prohibited on street or access frontage. 8. Vehicle repair shall be conducted indoors.
020	Professional services	1,000 sq ft gfa (2.0, 3.0)		1. Research and development services only	
030	Full-service restaurant	Employee on maximum shift (1.0, 1.0)		IV	1. Shall be located in multi-tenant building or a single-building in a multi-building, multi-tenant complex. 2. 50-person capacity, except when associated with manufacture of food or kindred products. In that case, maximum is 100 persons or 25% of combined gross floor area, whichever is less. 3. Hours of operation limited to 6am-10pm
040	Cafeteria or limited service restaurant				
050	Caterer	1,000 sq ft gfa (2.0, 3.0)		II	
060	Food service contractor				
Manufacturing and Wholesale Trade					

Section	Use	Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
070	Manufacturing and wholesale trade	1,000 sq ft gfa (2.0, 3.0)	X*	II	1. Asphalt and concrete batch plants shall have direct access to arterials. 2. Rock crushing equipment, asphalt, and concrete batch plants, silos and other related equipment may extend to a maximum height of 90 feet. 3. Retail sales of goods manufactured on the premises, or accessory or secondary to the primary manufacturing and wholesale trade use, are permitted. Area devoted to retail sales shall not exceed the lesser of 10 percent of combined gross floor area or 1,000 square feet.
Transportation, Communication, Information, and Utilities					
080	Rail transportation	1,000 sq ft gfa (2.0, 3.0)		II	
090	Road, ground passenger, and transit transportation				
100	Truck and freight transportation services				
110	Heliport facility			IV	
120	Communications and information			II	
130	Large Satellite Dishes/Amateur Radio Antenna(s)	Adequate to accommodate peak use	X*	See <u>RCDG 20D.170.45</u> , Telecommunications Facilities	
140	Wireless Communication Facilities				
150	Broadcast and Relay Towers				
160	Regional utilities				
170	Local utilities				
180	Incidental hazardous waste treatment and storage	1,000 sq ft gfa (2.0, 3.0)		II	1. Measures shall be taken in the construction of structures, design of storage areas, and design of delivery areas to prevent release of materials including those resulting from a "worst case" accident and including consideration of large storms where areas are not covered. 2. Hazardous materials shall not cause fumes, unpleasant odors, or harm to others in the course of normal handling. This shall not preclude the handling of materials with the use of approved filters, hoods, scrubbers, or other methods of removing odors or harm.
190	Primary hazardous waste treatment and storage				
Arts, Entertainment, and Recreation					
200	Natural and other recreational parks	1,000 sq ft gfa (2.0, 3.0)	X*	II	



Section	Use	Parking ratio: unit of measure (min. required, max. allowed)	Landscaping type	Process	Special Regulations
210	Adult entertainment facilities			IV	See RCDG 20D.20, Adult Entertainment
<b>Education, Public Administration, Health Care, and other Institutions</b>					
220	Secure community transition facility	Adequate to accommodate peak use	X*	IV	See RCDG 20D.170.55, Secure Community Transition Facilities and RCDG 20F.40.80, Essential Public Facilities
<b>Construction-related Businesses</b>					
230	Construction-related businesses	1,000 sq ft gfa (2.0, 3.0)	X*	II	
<b>Mining and Extraction Establishments</b>					
240	Mining and extraction establishments	1,000 sq ft gfa (2.0, 3.0)	X*	IV	<ol style="list-style-type: none"> <li>1. Rock crushing equipment, asphalt, and concrete batch plants, silos and other related equipment may extend to a maximum height of 90 feet.</li> <li>2. Extraction shall occur during daylight hours; nighttime trucking is permitted.</li> <li>3. Uses shall have direct access to arterials</li> <li>4. Uses shall minimize noise and lighting impacts by using noise suppression devices and light shielding, and by using landscape buffers to screen lighting from adjacent shoreline areas.</li> </ol>
<b>Other</b>					
250	Solid waste transfer and recycling	1,000 sq ft gfa (2.0, 3.0)	X*	II	

#### 50 Cross-references

For information on how to measure various site requirements like height and setbacks, see [Site Requirements Measurement](#).

See [Applicable Development Standards](#) for information on other standards that may apply to you.

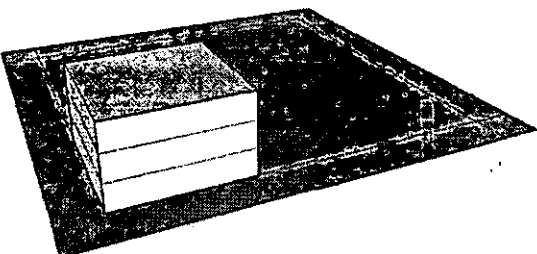
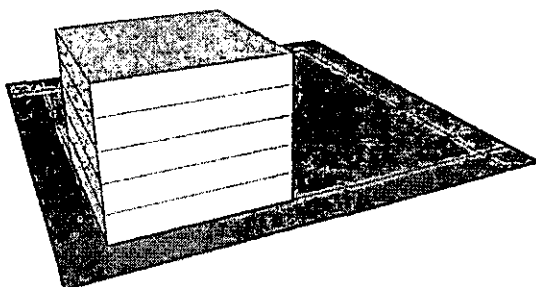
## Exhibit A6: CRC Recommended Amendment-Gateway Design District

### 10 Purpose

The purpose of the Gateway Design District (GDD) is to provide an area for the location of high-technology research and development facilities; associated light assembly and warehousing; other manufacturing uses with similar character, intensity and impact; support services; regional retail/wholesale uses; office uses, including corporate headquarters and

regional offices; and hotels and motels. A mix of research and development, office, hotel/motel and regional retail/wholesale uses are encouraged to diversify and increase the employment and revenue base of the community. Development in the zone should provide a high-quality, aesthetically pleasing gateway into the City's corporate limits.

### 20 Maximum Development Yield

	Base	Bonuses Available, and Quantity	Maximum	Example of a 3-story building with FAR = 0.25	Example of 5-story building with FAR = 0.60
Floor area ratio (FAR)	0.25 to 0.5 (use dependent)	TDRs: 0.10	0.60		
Height	3 stories	Exactly 1 administrative services building may be 5 stories in height	5 stories		

### 30 Regulations Common to All Uses

	Regulation	Standard	Exceptions and Notes
Minimum	Setbacks		1. For the purpose of determining setbacks in this zone:
	Perimeter	35	a. Perimeter streets are Avondale Road, Union Hill Road, 178 <sup>th</sup> Place NE, Redmond Way, and 180 <sup>th</sup> Avenue NE;
	Internal, side, rear	20	b. Internal streets are all other streets in the zone
	Landscaping	25%	
Maximum	Lot coverage	35%	
	Height (stories)	3	1. Maximum height of structures or portions of structures located above parking shall not include the distance between the finished grade of the parking surface and the structure, or the stories of the structure devoted to parking. 2. Maximum height in shoreline areas is 35 feet.
	Sign category	A	

#### 40 Allowed Uses and Basic Development Standards

The following table contains the basic zoning regulations that apply to uses in the Gateway Design District (GDD) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Unless otherwise

specified, Type II process refers to Site Plan Entitlement or Administrative Modification (depending on the scope of the proposal), Type IV process refers to Conditional Use Permit, and Type V process refers to Development Agreement.

Section	Use	Maximums		Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations		
		FAR							
		w/o TDRs	w/ TDRs						
General Sales or Services									
010	Heavy consumer goods, sales, or service	0.25	0.35	X*	1,000 sq ft gfa (4.0, 5.0)	II	1. Minimum 75,000 square feet gfa per use.		
020	Durable consumer goods, sales, or service								
030	Consumer goods sales or service, other than heavy or durable								
040	Grocery, food, and beverage								
050	Finance and insurance	0.50	0.60				1,000 sq ft gfa (2.0, 3.0)		1. Permitted only as a service internal to another permitted use 2. Walk-in service to general public prohibited
060	Real estate services								
070	Professional services								
080	Administrative services								
090	Travel arrangement and reservation offices								
100	Investigation and security services								
110	Services to buildings and dwellings								
120	Full-service restaurant								
130	Cafeteria or limited service restaurant								
140	Hotel or motel								

Section	Use	Maximums		Landscaping Type	Parking ratio: unit of measure (min. required, max. allowed)	Process	Special Regulations
		FAR					
		w/o TDRs	w/ TDRs				
Manufacturing and Wholesale Trade							
150	Manufacturing and wholesale trade	0.50	0.60	X*	1,000 sq ft gfa (2.0, 3.0)	II	1. Only wholesale trade and warehouse and storage services permitted
Transportation, Communication, Information and Utilities							
160	Communications and information	0.50	0.60	X*	1,000 sq ft gfa (2.0, 3.0)	II	See RCDG 20D.170, Telecommunications Facilities
170	Large Satellite Dishes/Amateur Radio Antenna(s)				Adequate to accommodate peak use		
180	Broadcast and Relay Towers						
190	Wireless Communication Facilities						
Arts, Entertainment, and Recreation							
200	Adult Entertainment Facilities	0.50	0.60	X*	1,000 sq ft gfa (2.0, 3.0)	IV	See RCDG 20D.20, Adult Entertainment
Education, Public Administration, Health Care, and other Institutions							
210	Technical, trade, and other specialty schools	0.50	0.60	X*	1,000 sq ft gfa (2.0, 3.0)	II	1. Play equipment shall be located no less than 10 feet from any property line 2. Shall not be located closer than 300 feet from existing day care operation in residential zone
220	Public administration				Employee on maximum shift (1.0, 1.0)		
230	Day care center						

### 50 Cross-references

For information on how to measure various site requirements like height and setbacks, see \_\_\_\_\_, Site Requirements Measurement.

See \_\_\_\_\_, Applicable Development Standards for information on other standards that may apply to you.

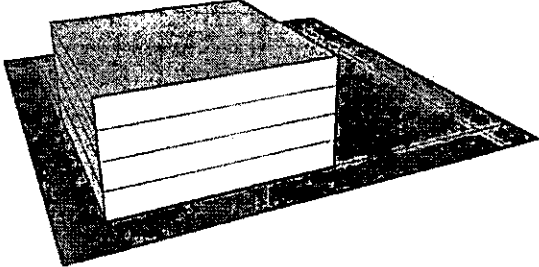
## Exhibit A7: CRC Recommended Amendment-Bear Creek Design District

### 10 Purpose

The purpose of the Bear Creek Design District is to provide development potential on the upland portion of the Bear Creek Design District in the northwest portion of the site in a comprehensive master plan that would allow for the permanent protection of Bear Creek, its riparian corridor, and associated wetlands and floodplains. The Design District provides for the location of retirement residence facilities, associated limited support services,

and affordable housing for employees. The Design District will provide critical links in the Bear and Evans Creek Greenway System, an important planned regional trail along Bear and Evans Creeks. The balance of the undevelopable portion of this district will be established as a wetland mitigation banking site.

### 20 Maximum Development Yield

	Base	Bonuses Available, and Quantity	Maximum	Example of a 4-story building with FAR = 0.80 
Floor area ratio (FAR)	0.80	None	0.80	
Height	4 stories	None	4 stories	

### 30 Regulations Common to All Uses

1. Maximum height of structures or portions of structures located above parking shall not include the distance between the finished grade of the parking surface and the structure, or the stories of the structure devoted to parking.
2. Maximum height in shoreline areas is 30 feet.
3. Impervious surface area resulting directly from the Bear and Evans Creek Trail and Greenway is exempt from impervious surface area calculations.

#### 40 Allowed Uses and Basic Development Standards

The following tables contain the basic zoning regulations that apply to uses in the Bear Creek Design District (BCDD) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Unless

otherwise specified, Type II process refers to Site Plan Entitlement or Administrative Modification (depending on the scope of the proposal), Type IV process refers to Conditional Use Permit, and Type V process refers to Development Agreement.

#### Performance Area 1

Section	Use	Minimums	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Signs	Process	Special Regulations
		Setbacks (ft) for 1- and 2-story, 3- story, and 4- story structures, respectively	Lot coverage	Impervious surface area	Height (stories)	FAR				
Residential										
010	Housing services for the elderly	Avondale: 15, 75, 150 Other property lines: 10, 75, 100	30%	65%	4	0.80	Dwelling unit (1.0, 1.0)	E	II	1. Ten percent of the total number of dwelling units (including those built for employees) shall be affordable to individuals or families earning up to 80 percent of area median income. Applicant is allowed to apportion affordable units to buildings as applicant sees fit. 2. Applicant is entitled to number of TDRs equal to number of affordable units provided.
020	Single-family dwellings						1. Permitted only to house employees and the families of housing services for the elderly 2. Ten percent of the total number of dwelling units (including those built as housing services for the elderly) shall be affordable to individuals or families earning up to 80 percent of area median income. Applicant is allowed to apportion affordable units to buildings as applicant sees fit. 3. Applicant is entitled to number of TDRs equal to number of affordable units provided. 4. See RCDG 20D.30, Affordable Housing, for additional guidance			
030	Multi-family dwellings									
General Sales or Services										

Section	Use	Minimums	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Signs	Process	Special Regulations
		Setbacks (ft) for 1- and 2-story, 3- story, and 4- story structures, respectively	Lot coverage	Impervious surface area	Height (stories)	FAR				
040	Finance and insurance	Avondale: 15, 75, 150 Other property lines: 10, 75, 100	30%	65%	4	0.80		E	II	1. Permitted only as internal service to residents and guests of housing services for the elderly
Transportation, Communication, Information, and Utilities										
050	Wireless Communication Facilities	Avondale: 15, 75, 150 Other property lines: 10, 75, 100	30%	65%	4	0.80	Adequate to accommodate peak use	E		See RCDG 20D.170.45, Telecommunications Facilities
060	Broadcast and Relay Towers									
Arts, Entertainment, and Recreation										
070	Natural and other recreational parks	Avondale: 15, 75, 150 Other property lines: 10, 75, 100	30%	65%	4	0.80	Adequate to accommodate peak use	E	II	
Education, Public Administration, Health Care, and other Institutions										
080	Ambulatory or outpatient care services	Avondale: 15, 75, 150 Other property lines: 10, 75, 100	30%	65%	4	0.80		E	II	1. Permitted only as internal service to residents and guests of housing services for the elderly
090	Nursing, supervision, and other rehabilitative services									
100	Social assistance, welfare, and charitable services									
110	Colleges and universities									1. Permitted only as internal housing services for the elderly 2. Curriculum must be related to geriatrics/gerontology
Agriculture, Forestry, Fishing, and Hunting										

Section	Use	Minimums	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Signs	Process	Special Regulations
		Setbacks (ft) for 1- and 2-story, 3- story, and 4- story structures, respectively	Lot coverage	Impervious surface area	Height (stories)	FAR				
120	Crop production	Avondale: 15, 75, 150	0	0	0	0		E	II	Permitted until such time that a state-approved wetland mitigation bank is established; at that time, crop production in shall cease.
130	Wetland mitigation banking	Other property lines: 10, 75, 100								

#### Performance Area 2

Section	Use	Maximums			Signs	Process	Special Regulations
		Lot coverage	Impervious surface area	FAR			
Arts, Entertainment, and Recreation							
140	Natural and other recreational parks	0	0	0	E		
Agriculture, Forestry, Fishing, and Hunting							
150	Crop production	0	0	0	E		Permitted until such time that a state-approved wetland mitigation bank is established; at that time, crop production in shall cease.
160	Wetland mitigation banking						

#### 50 Site and Design Requirements



1. Where conflicts between this chapter and other chapters of the            exist, the provision of this chapter shall control.
2. Development in this zone shall substantially conform to the conceptual site plan submitted as an exhibit to Ordinance 2370 adopting this chapter.
3. As a condition of site plan entitlement, the applicant shall convey to the City the following easements:
  - a. Conservation easements for all BCDD land outside PA-1 not already conveyed or purchased for other purposes, such as the wetland mitigation bank and trail easements.
  - b. Easements through the southern and eastern portions of the site, as depicted on the Bear and Evans Creek Confluence-Open Space Plan, to allow the City of Redmond to connect City trails.
4. Buildings shall be designed to achieve LEED, BuiltGreen, or other similar green building specifications. Certification shall include third-party auditing.
5. Site design shall incorporate low-impact development technologies to the extent feasible and practicable, including, but not limited to, infiltration of non-pollution-generating stormwater and use of pervious paths.
6. The piped and culverted subterranean watercourse that flows southwest from the northwest corner of the site shall be rerouted.
  - a. For the portion of the watercourse that is within PA-1, the rerouting and daylighting shall occur in the following manner:
    - i. The watercourse riparian corridor shall contain plantings that reinforce the bank structure and provide shade;
    - ii. The design of the riparian corridor shall, to the extent possible within the limited space, mimic naturally occurring riparian corridors with respect to native vegetation, shading, and the provision of meander spaces;
- iii. The corridor shall not contain impervious surfaces, but may be bridged for up to four vehicle crossings and two pedestrian crossings; those crossings shall conform to Washington State Department of Fish and Wildlife standards for culvert crossings allowing fish passage;
- iv. Crossings shall minimize adverse impacts to the stream corridor;
- v. The average width of the corridor shall measure no less than 15 feet; in no case shall the corridor measure less than 10 feet across.
- b. The portion of the watercourse that is within PA-2 shall be treated as a Class II stream, and the project proponent shall enhance the channel, banks, and required buffers from its entrance into PA-2 to the confluence with Bear Creek. This enhancement shall include, at a minimum, planting of native trees, shrubs and herbaceous species and incorporation of large woody debris (e.g., snags, root wads, and downed logs) for enhancement of fish and wildlife habitat.
7. Landscaping and Vegetation Preservation
  - a. In addition to landscaping standards described in RCDG 20D.40.35, Landscape Design Standards, and Chapter 20D.80 RCDG, Landscaping and Tree Protection, the following standards shall apply:
    - i. All pervious surfaces shall be landscaped, except those areas to be preserved in or restored to natural conditions, areas such as pervious pathways, and areas within PA-1 in the 100-year FEMA floodplain.
    - ii. Up to twenty percent of the required landscape area may be met by providing pedestrian plazas for gathering.

## 60 Cross-references

For information on how to measure various site requirements like height and setbacks, see           , Site Requirements Measurement.

See           , Applicable Development Standards for information on other standards that may apply to you.

## Exhibit A8: CRC Recommended Amendment-Definitions

Definitions in underline are new.

Definitions in ~~strikethrough~~ are proposed to be removed from the code.

Definitions without underline or ~~strikethrough~~ already exist in the code and are proposed to remain.

### Term and Definition

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#### **Accessory Dwelling Unit.**

An accessory dwelling unit (hereinafter referred to as "ADU") is a habitable living unit that provides basic requirements for living, sleeping, eating, cooking, and sanitation. An ADU is accessory to the primary unit on a lot and may be added to, created within, or detached from the primary single-family dwelling unit.

#### **Administrative Services.**

The provision of services such as financial planning, record keeping, personnel employment, logistics, strategic and organizational planning, support staffing, employment agencies, collection agencies, document preparation, telephone answering, telemarketing, court reporting, and steno typing. This definition also includes corporate headquarters and regional offices.

#### **Adult Family Home.**

The regular family abode of a person or persons who are providing personal care, room, and board under a license issued pursuant to Chapter 70.128 RCW, to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by Chapter 70.128 RCW.

#### **Advanced Technology.**

~~Uses which focus on methods of improving manual, mechanical, or scientific processes. This definition excludes manufacturing uses that are not compatible with other advanced technology uses. See Professional Services.~~

#### **Air Transportation.**

The provision of scheduled and nonscheduled air transportation for passengers or freight.

#### **Amateur Radio Antenna.**

A tower and antenna(s) which transmit and receive noncommercial communication signals, and is defined as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio antenna(s) are considered part of the structure for the purposes of meeting development standards.

#### **Agricultural Crop Management.**

~~The cultivating of soil to produce crops. For the purposes of Chapter 15.24 RMC, Clearing, Grading and Storm Water Management, the activity shall be on a minimum of two acres. This definition is not intended to include gardening or construction of drainage or irrigation ditches.~~

#### **Agricultural Residence.**

~~The use of a dwelling unit occupied by a full or part-time farmer on a lot or lots used exclusively for agriculture.~~

#### **Ambulatory or Outpatient Services.**

The furnishing of health care services directly to patients without providing inpatient services. Establishments providing ambulatory or outpatient services include, but are not limited to, clinics (e.g., physician offices, dentists, chiropractors, optometrists, etc.), family planning and outpatient care centers, medical and diagnostic laboratories, medical diagnostic and short-term treatment facilities where treatment lasts less than 24 hours are permitted, and blood and organ banks.

## Term and Definition

### **Amusement, Sports, or Recreation Establishment.**

An establishment that operates facilities offering activities (i.e., sports, recreation, or amusement) and that provides services such as facilitating amusement in places operated by others or operating recreational sports groups. This definition includes games arcades, miniature golf establishments, marinas or yacht clubs, fitness and athletic clubs, bowling alleys, billiard rooms, skating rinks, and other similar facilities. This definition does not include golf courses and amusement or theme park establishments, which are separately defined in this Code.

### **Amusement or Theme Park Establishment.**

An establishment that operates attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds.

### **Animal Kennel or Shelter.**

A kennel or shelter shall be any outdoor or indoor facility, which houses four or more small domestic animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may either be a separate business or an accessory use.

### **Associations, Nonprofit Organizations, Etc.**

Civic, professional, social, trade, and other similar organizations. This definition includes labor organizations, political organizations, business associations and professional membership organizations, and civic, social, and fraternal organizations.

### **Attached Dwelling Units.**

Two to four dwelling units side-by-side sharing with common or party walls on one or two sides one-roof but with separate front and/or rear access.

### **Automobile Parking Facilities.**

Surface lots or structures designed and built for the parking of motor vehicles.

### **Automobile Sales, Rental, or Service Establishment.**

An establishment engaging in the retail sale, rental or lease of new or used vehicles, or in the retail sale, rental or lease of vehicles in combination with repair and maintenance services and the sale of replacement parts and accessories. This definition includes the sale, rental, lease, or service of cars, trucks, truck tractor's, semi-trailers, buses, mobile homes, utility trailers, recreational vehicles (RVs), bicycles, motorcycles, all terrain vehicles (ATVs), boats, personal watercraft, outboard motors, boat trailers, aircraft, railroad cars, and similar vehicles.

### **Backyard Home.**

[Definition under review – will be considered during residential regulation rewrite]

### **Bar or Drinking Place.**

An establishment that primarily prepares and serves alcoholic beverages for immediate consumption and that may provide limited food service and entertainment (primarily music) services. Also known as a bar, tavern, or nightclub.

### **Bed and Breakfast.**

A single family residence containing one kitchen and shared dining area providing no more than two lodging rooms for guests and travelers, tourists, and transient guests for a period of up to 30 days and serving primarily breakfast only to those people registered to use the facility for lodging.

### **Bed and Breakfast Inn.**

A facility offering between three and 12 lodging rooms on a temporary basis to travelers, tourists and transient guests for a period of up to 30 days and serving primarily breakfast only to those guests registered to use the facility for lodging.

## Term and Definition

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### **Bed and Breakfast Inn.**

An establishment providing overnight accommodations and meal service for a small number of guests and typically located in a private home or small building.

### **Beer, Wine, and Liquor Store.**

An establishment primarily engaging in retail sales of packaged alcoholic beverages, such as ale, beer, wine, and liquor.

### **Broadcast or Relay Tower.**

A freestanding support structure, attached antenna(s), and related equipment intended for transmitting, receiving or re-transmitting commercial television, radio, telephone, cellular, or other communications services.

### **Cafeteria or Limited Service Restaurant.**

An establishment that provides food services, where patrons order or select items and pay before eating, and where food and drink may be consumed on premises, taken out, or delivered to customers' location. This definition includes establishments where specialty snacks such as ice cream, frozen yogurt, cookies, or popcorn, or nonalcoholic beverages, such as coffee, juices, or sodas, are served.

### **Caterer.**

An establishment that provides single event-based food services, either at off-premises sites or in banquet halls with catering staff.

### **Colleges and Universities.**

Establishments furnishing academic or technical courses and that grant degrees, certificates, or diplomas in associate, baccalaureate, or graduate levels.

### **Commercial Use.**

The use of a building, land, or other for nonresidential and nonpersonal use involving retail sales, wholesale sales, office uses, entertainment uses, or similar uses.

### **Communications and Information.**

The production or distribution of information. This definition includes the publishing of newspapers, books, magazines, and software, the production and distribution of motion pictures and sound recordings, the broadcasting of radio and television programming, the provision of wireless and wired telephone and other telecommunications service, the provision of information services, data processing, and online information service, the provision of library or archive services, and the operation of news syndicates. This definition excludes large satellite dishes, amateur radio towers/antenna(s), broadcast or relay towers, and wireless communication facilities.

### **Construction Related Businesses.**

Businesses that build or demolish buildings or structures, or that perform additions, alterations, reconstruction, installation, and repairs.

### **Consumer Goods, Other.**

The retail sale, rental or lease of merchandise not covered by other definitions in this Code, or the retail sale of such merchandise in combination with repair and maintenance service and the sale of replacement parts and accessories. This definition includes florists, art dealers and art supply stores, and sales of similar goods.

### **Convenience Store.**

An establishment primarily engaging in the retail sale of a limited line of goods that generally includes milk, bread, soda, and snacks, and may also include gifts, crafts, maps, and other goods.

## Term and Definition

### **Corporate Headquarters and Regional Offices.**

Businesses whose primary headquarters are in the Seattle-metropolitan area or northwest region, housing the administrative and management functions of a company, including administrative services, personnel and management functions. This facility acts as the central services for sub-regional offices, branches, retail and distribution outlets of the company. ~~Where they are permitted, manufacturing and research and development may also be associated with corporate and regional offices.~~ See Administrative Services.

### **Correctional Institutions.**

Government establishments that manage and operate jails, prisons, and other similar institutions for the confinement, correction, and rehabilitation of offenders. This definition includes jails, prisons, and other similar institutions managed and operated by nongovernmental entities under contract with the government.

### **Cottage.**

[Definition under review – will be considered during residential regulation rewrite]

### **Courier and Messenger Services.**

The provision of air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban centers.

### **Cremation Services and Cemeteries.**

The operation of sites or structures reserved for the interment of human or animal remains, or for cremating the dead.

### **Crop Production.**

The growing and harvesting of commercial crops, such as grains, vegetables, fruits, trees, flowers and other ornamental horticulture.

### **Day Care Center.**

An agency which regularly provides temporary care for a group of children between the ages of six weeks to 12 years for periods less than 24 hours in a residence or structure other than the parent's home on a regular reoccurring basis for pay or other valuable consideration, including but not limited to the furnishing of shelter, sustenance, supervision, education and other supportive services. The term is not intended to include baby-sitting services of a casual, nonrecurring nature.

### **~~Designated Manufactured Home.~~**

~~A manufactured home meeting the requirements of State and Federal law which:~~

- ~~(1) — Is comprised of at least two parallel sections, fully enclosed, each of not less than 12 feet wide by 36 feet long;~~
- ~~(2) — Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;~~
- ~~(3) — Has exterior siding similar in appearance to siding materials commonly used on conventional site built single family residences.~~

### **Detached Dwelling Units.**

Single-family residential structures that do not share any common structural elements.

### **Dormitories.**

Structures primarily associated with educational or recreational institutions that provide sleeping units and communal dining facilities.

### **Drive-Up Stand.**

A temporary or semi-permanent structure operating on private property for the purpose of vending food, drink (including coffee), or retail goods, generally no larger than six feet wide by 10 feet long which allows the customer to remain in his or her vehicle while making a purchase.

## **Term and Definition**

### **Durable Consumer Goods Sales, Rental, and Service.**

The retail sale, rental or lease of durable consumer goods, or in the retail sale, rental or lease of such goods in combination with repair and maintenance services and the sale of replacement parts and accessories. This definition includes apparel, appliances, home furnishings, paint, hardware, toiletries, jewelry, sporting goods, books, magazines, music, videos, computer hardware and software, toys, and similar items.

### **Existing and Ongoing Agricultural Activities.**

[To be evaluated during critical areas ordinance review]

### **Family Day Care.**

A licensed day care provider who regularly provides day care for periods less than 24 hours for not more than 12 children in the provider's home in the family living quarters.

### **Finance and Insurance.**

Financial transactions, the underwriting of insurance, annuities, and the support of employee benefit programs. This definition includes banks, credit unions, credit bureaus, investment banks, insurance brokerages, securities dealers, and other financial establishments.

### **Float plane Facility**

[Definition pending]

### **Food Service Contractor.**

A business that provides food services at institutional, governmental, commercial, business, or industrial locations of others based on contracts with such organizations for a specified period of time.

### **Frontage.**

The side of a lot abutting on a public or private street or access corridor; also, the width of a lot as it abuts a public or private street or access corridor.

### **Full-Service Restaurant.**

An establishment that provides food services to patrons who order and are served while seated (i.e., water/waitress service) and who pay after eating.

### **Funeral Homes and Services.**

Establishments preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise).

### **Golf Course.**

A tract of land used for playing golf, with tees, greens, fairways, hazards, and other features customarily associated with the game of golf, such as driving ranges, club houses, and golf cart storage and maintenance facilities.

### **Government Functions, Other.**

The provision of governmental services not specifically identified elsewhere in these definitions. This definition includes military and national security functions and space research and technology when conducted by a government agency.

### **Grade Schools.**

All public, private, and specialty schools from preschool through high school.

### **Grocery, Food, Beverage, and Dairy Sales.**

The retail sale of food and beverage merchandise for off-premises consumption. This definition includes grocery stores, supermarkets, fruit and vegetable stores, and sales of similar goods. This definition does not include convenience stores.

## **Term and Definition**

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### **Health and Personal Care.**

The retail sale of health and personal care items, such as prescription and nonprescription drugs, cosmetic and beauty supplies, prescription and nonprescription eyeglasses, and other similar items.

### **Heavy Construction Establishment.**

An establishment that engages in the construction of highways, utility pipelines, power and communication lines, cement or asphalt plants, and refineries.

### **Heavy Consumer Goods Sales, Rental or Service.**

The retail sale, rental, or lease of large consumer goods or a combination of the retail sale, rental or lease of such goods with repair and maintenance service and the sale of replacement parts and accessories. Heavy Consumer Goods Sales or Service includes sale of items such as furniture, hardware, lawn and garden supplies, building materials, electronics and appliances, and heating and plumbing equipment.

### **Heliport Facility.**

An airport or landing place for helicopters.

### **Home Business.**

A business activity which results in a product or service and is conducted in whole or in part on a residential premises and is clearly subordinate to use of the premises as a residence.

### **Hospital.**

Any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under Chapter 70.41 RCW, or as a psychiatric hospital licensed under Chapter 71.12 RCW as presently worded or hereafter amended.

### **Hotel or Motel.**

An establishment that provides four or more guest rooms for the lodging and short-term accommodations for travelers and that does not provide gambling. Hotels and Motels typically offer food services, recreational services, convention hosting services, laundry services, and similar services required or desired by travelers.

### **Horse and Equine Production.**

[Definition pending]

### **Housing Services for the Elderly.**

The provision of services such as housing and custodial care for those who need or desire caring for themselves, including the elderly. This definition includes retirement housing services, assisted living services, and skilled nursing services and convalescent care. This definition does not include Adult Family Homes.

### **Impervious Surface Area**

The land area of that portion of a lot covered by impervious surface.

### **Investigation and Security Services.**

The provision of investigative and detection services, guard and patrol services, the picking up and delivery of money and other valuable items, or any similar service.

### **Kiosk.**

A temporary or semi-permanent structure having one or more open air sides, operating on either private property or public rights-of-way and plazas, generally no larger than six feet wide by 10 feet long, which is operated for the purpose of vending food, drink, or retail goods. This definition does not include motorized carts or vehicles.

### **Kennel**

[Duplicative]

## Term and Definition

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### ~~Large Box Retail.~~

~~See Regional Retail/Wholesale Use.~~

### **Large Satellite Dish.**

Any satellite dish antenna(s) whose diameter is greater than one meter in residential zones or two meters in industrial and commercial zones (see Satellite Dish Antenna(s))

### **Long-Term Care Facility.**

An institution or a distinct part of an institution or use that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority by marriage, blood, or adoption. This definition includes skilled nursing facilities, convalescent centers, governmental medical institutions and facilities which provide intensive medical supervision. Long-term facilities may provide maintenance care as well as restorative services. Long-term care facilities shall not include adult family homes or residential care facilities.

### **Lot Coverage**

The percentage of a lot that is covered with primary and accessory structures.

### **Mail Order or Direct Selling Establishment.**

An establishment offering sales or services through sales staff that may go to the customers' location or that may utilize mail or electronic communications and orders.

### **Manufactured Home.**

A factory built structure transportable in one or more sections which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to required utilities. A manufactured home shall be built to comply with the National Manufactured Home Construction and Safety Standard Act of 1974 (regulations effective June 15, 1976).

### **Manufacturing and Wholesale Trade.**

The transformation of raw materials into finished products or the storage of materials or products in a warehouse or similar structure. This definition includes the production of food products from livestock or agricultural products, tobacco manufacturing, textiles manufacturing, the manufacture of leather and other allied products, the production of lumber, furniture, wood building products, mobile homes, and paper products, the transformation or refining of chemicals or metals and the manufacture of products from chemicals or metals, the manufacturing of jewelry, silverware, dolls, toys, games, musical instruments, office supplies, inks, and signs, the sale of goods at wholesale from a warehouse or other similar structure, and the provision of warehouse and storage facilities for general merchandise, refrigerated goods, and other warehouse products, but not the retail sale of such goods.

### ~~**Medical Diagnostic and Short-term Treatment Facility.**~~

~~Medical diagnostic and short-term treatment facilities provide emergency, diagnostic and other professional medical services to patients on a short-term basis, less than 24 hours in length. Such facilities require large floor plates or parcels and vehicular access to major transportation corridors.~~

### **Membership Wholesale/Retail Warehouse.**

A warehouse-type facility where shoppers are required to obtain membership status and must show proof of membership prior to entry and purchase of all items. Products consist of discounted or wholesale goods, such as a wide variety of food, clothing, tires and appliances. Many items are sold in large quantities or bulk. This use occupies no less than 75,000 square feet of gross floor area and has somewhat higher parking ratios than typical of standard warehouse uses.

### **Minimum Tract Area**

The minimum land area required before a development application may be submitted.



## Term and Definition

### Mining and Extraction Establishments.

Establishments that are responsible for the extraction of natural mineral solids (coal and ores), liquid minerals (crude petroleum) and gases (natural gas) through quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other methods.

### Mini-Warehouse.

A warehouse facility intended for use by private parties who wish to store personal objects and whose storage units do not exceed 800 square feet.

### Mixed-use Residential Structure

A structure with at least one residential unit built above one or more non-residential uses.

### Motorized Catering.

The preparation and serving of meals and snacks for immediate consumption from motorized vehicles

### Multi-Family Dwelling Unit.

A dwelling unit within a building which accommodates two or more families in individual, primary dwelling units. Also known as flats, or apartments. Normally rented or leased, but may also be condominiums. The building is normally located on a single lot.

### Multi-Family Structure

A structure that includes multiple primary dwelling units.

### Multiplex.

A structure housing two, three or four multi-family dwelling units otherwise known as a duplex, triplex or fourplex. Multiplex units may be side by side or on top of another.

### Museums and Other Special Purpose Recreational Institutions.

Establishments that preserve and exhibit objects, sites, and natural wonders of historical, cultural, or educational value, including public and private museums, historical sites, and similar establishments. This definition does not include zoos, which are separately defined and regulated.

### Natural and other Recreational Parks.

Public and private park and recreation facilities that do not fall within another specific park definition in this Code.

### Nursery and Preschool.

An establishment furnishing early learning and activities for children under grade school age.

### Nursing, Supervision, and Other Rehabilitative Services.

The provision of inpatient nursing and rehabilitative services by licensed health care staff in establishments that can accommodate patients for extended care.

### Office.

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. See *Administrative Services*.

### Packing, Crating, and Convention and Trade Show Services.

The provision of services such as packaging client-owned materials, possibly with package labeling or imprinting, or organizing, promoting, and managing events such as business and trade shows, conventions, conferences, and meetings.

### Performing Arts or Supporting Establishment.

An establishment that rehearses, produces or organizes and promotes live presentations or that represents entertainers. This definition includes theaters, event promoters, agents who represent and manage performing artists, sports figures and entertainers, and independent artists, writers, and performers. This definition does not include sports teams or clubs which are separately defined and regulated.

## **Term and Definition**

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### **Personal Services.**

The provision of services such as laundry, hair care, nail care and similar services.

### **Pet and Animal Sales or Service (Except Veterinary).**

The retail sale of pets and other animals (except livestock) and the provision of pet or animal care services, such as grooming, training, sitting, boarding, and care taking. This definition includes pet and pet supply stores, but does not include veterinary services.

### **Pipeline Transportation.**

The use of transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products, and slurry.

### **Postal Services.**

The provision of one or more postal services, such as sorting, routing, and delivery on a contract basis (except bulk transportation of mail).

### **Preschool.**

See Day-Care Center.

### **Professional Services (Medical, Dental Clinics).**

Health services providing medical, dental or psychiatric care on an outpatient basis without residency over 24 hours. This use is usually characterized by a relatively high patient turnover and high public access requirements.

### **Professional Services.**

The provision of services requiring a high degree of professional, scientific, or technical expertise and training. This definition includes legal services; title research and abstract services; notary services; accounting, tax, bookkeeping and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services (such as management and environmental consulting); research and development services; advertising, media, and photography services; veterinary services.

### **Public Administration.**

All government functions, including federal, state, and local government agencies that administer, oversee, and manage public programs or that have executive, legislative, or judicial authority. This definition includes legislative and executive offices, courts, and other government functions. This definition does not include correctional institutions, which are separately defined and regulated.

### **Public Safety.**

The provision of fire and rescue, police, and emergency response services by a governmental entity.

### **Rail Transportation.**

The provision of passenger or freight transportation by rail, and rail transportation support.

### **Real Estate Services.**

The sale, rental, or lease of real estate, the management of real property for others, and the provision of real estate appraisal and similar services.

### **Regional Retail/Wholesale Use.**

A singular retail or wholesale user that occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Regional retail/wholesale uses can include, but are not limited to, membership warehouse clubs which emphasize bulk sales, discount stores and department stores. (See Retailing and Wholesaling).

### **Religious Institutions.**

Churches, temples, synagogues, monasteries, and similar establishments operated by religious organizations.

## Term and Definition

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### **Research and Development.**

~~An activity whose primary focus involves investigation and experimentation in the natural, physical, or social sciences. It typically involves a small amount of product development or assembly space and products testing, and supporting office space. Related administrative and corporate functions are incidental and subordinate to the primary research and development activities. See Professional Services.~~

### **Residential Care Facility.**

[Definition to be evaluated during review of residential regulations]

### **Retailing.**

~~"Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470.~~

### **Retirement Residence.**

A building or group of buildings which provides residential facilities for residents 55 years of age or more, except for the spouses of such residents for whom there is no minimum age requirement. A retirement residence may provide a range of types of living units including attached and detached housing units and may also provide to its residents: food service, general health care supervision, medication services, housekeeping services, personal services, recreation facilities and transportation services for its residents. Individual living units (suites) may include kitchens. A retirement residence may also include a skilled nursing facility provided that the number of nursing beds shall not exceed 25 percent of the total number of retirement residence units. Facilities with more than 25 percent of the retirement residence units having nursing beds shall be considered a long-term care facility.

### **Road, Ground Passenger, and Transit Transportation Services.**

The provision of ground passenger transportation services such as urban transit systems; chartered, school, and interurban bus transportation, and taxis.

### **Roadside Produce Stand**

[Definition pending]

### **Rooming and Boarding.**

~~The provision of temporary accommodations to a specific group or membership, such as in a dormitory, fraternity or sorority house, or worker's camp. Services provided may include housekeeping, meals, and laundry service.~~

### **Schools, Elementary/Secondary.**

~~Public or private institutions of learning having a curriculum below the college level as required by the common school provisions of the State of Washington.~~

### **Services to Buildings or Dwellings.**

The provision of services such as extermination and pest control, janitorial services, landscaping maintenance, and carpet and upholstery cleaning. This definition does not include packing, crating, and convention and trade show services, which are separately defined and regulated. This definition does include vending machine operators.

### **Setback Line**

A line beyond which, toward a property line, no structure greater than 30 inches above finished grade may extend or be placed except as permitted by the regulations of this title.

### **Shop or Store Building with Drive-Through Facility.**

A retail commercial building with a drive-through window to serve customers in motor vehicles.

## Term and Definition

### Single Room Occupancy Units (SROs).

A structure containing single room living units with small cooking units (independent or common) and other amenities not ordinarily associated with a hotel.

### Size-Limited Dwelling.

[Definition to be reviewed during residential regulations review]

### Social Assistance, Welfare, and Charitable Services.

The provision of social assistance services (except residential or accommodation services) directly to individuals in need.

### Sports Team or Club Venue.

An arena, field, or stadium for a professional or semiprofessional sports team or club that participates in live sporting events, such as baseball, football, hockey, or soccer before a paying audience. This definition includes the venue for a sporting event.

### Stacked Housing.

A housing type in which there are multiple dwelling units per floor and more than one floor.

### Technical College.

The term "technical college" is analogous to the term "vocational or trade school." A technical college is a public or private institution defined by RCW 28B.50.030(11).

### Technical, Trade, and Specialty Schools.

Schools that offer vocational and technical training in a variety of technical subjects and trades and that may lead to job-specific certification. This definition includes beauty schools, business management schools, computer training schools, driving education schools, fine and performance arts schools, flight training schools, and sports and recreation schools.

### Telework Center.

Satellite work facility incorporating sufficient technology to permit employees to reduce their commute trip, or to work closer to home. The goal of such centers is to reduce the distance traveled in a commute trip by at least half the distance. See RCW 70.94.527(10) for measuring the qualifying reduction of commute trips. See Administrative Services.

### Temporary Structures, Tents, etc, for Shelter.

Tents and other temporary structures used for shelter on a temporary basis.

### Townhouse.

See "Single Family Dwelling Unit, Attached."

### Travel Arrangement and Reservation Services.

The provision of services such as promoting or selling travel, tour, or accommodation services, including but not limited to, maps and information, locating convention sites, arranging reservations, and organizing group tours.

### Truck and Freight Transportation Services.

The provision of over-the-road transportation of cargo using motor vehicles such as trucks and tractor trailers.

### Vending Cart.

A non-motorized cart with functional wheels which is not affixed to the ground and which is operated for the purpose of vending food, drink, or retail goods. The cart is generally no larger than six feet wide by 10 feet long.

## Term and Definition

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### **Vocational or Trade School.**

~~The term "vocational or trade school" is analogous to the term "technical college." See "Technical College."~~

### **Wholesaling.**

~~A business transaction involving sales of goods or materials to retailers, brokers or jobbers for purpose of resale, or as a component of an article to be produced for resale.~~

### **Wireless Communication Facility (WCF).**

An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communication. A wireless communication facility provides services which include cellular telephone, Personal Communication Services (PCS), other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). A wireless communication facility (WCF) may be attached to an existing structure or a freestanding tower. A WCF consists of antenna(s) and related equipment and may include equipment enclosure, screening, or support structure.

### **Zoos, Botanical Gardens, Arboreta, Etc.**

An establishment that preserves and exhibits live plant and animal live displays, including those in natural areas or settings (as in the case of national parks).

## **Administration and Procedures**

### **10 USER GUIDE**

#### **10-010 How to Use this Title.**

This Title sets forth the procedural steps for each of the six processes which the City of Redmond uses to develop applications. In navigating this Title, the user should:

- (1) First, determine the application that is required for the development the user is interested in by either reviewing descriptions of the various permit types found in section 70, or by contacting the Development Services Center.
- (2) Second, determine which process applies to the development application the user is interested in by using the table set forth in Section 50-030.
- (3) Third, determine the steps involved in processing the development application by consulting the flow chart for the selected process type in Sections 50-060 - 50-120.
- (4) Fourth, determine the application submittal requirements by consulting Sections 30-010 - 30-060.
- (5) Fifth, review the detailed explanations of the steps set forth in the flow chart by reviewing Sections 60-010 - 60-120.
- (6) Finally, review the Land Use Decision Criteria set forth in Chapter 70 in order to determine whether any of the criteria for any of the specific uses described in that chapter must be met.

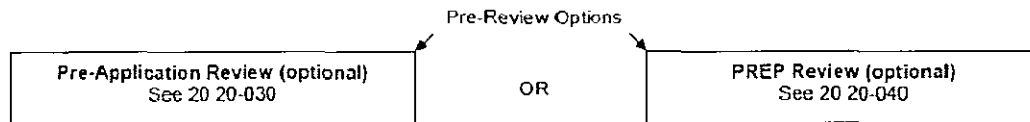
## **20 OVERVIEW OF THE DEVELOPMENT PROCESS**

### **20-010 Purpose.**

The purpose of this chapter is to provide a general overview of the development application review process. Detailed administrative review procedures for applications and land use actions classified as Type I through Type VI are outlined in Chapter 50, Permit Types and Procedures.

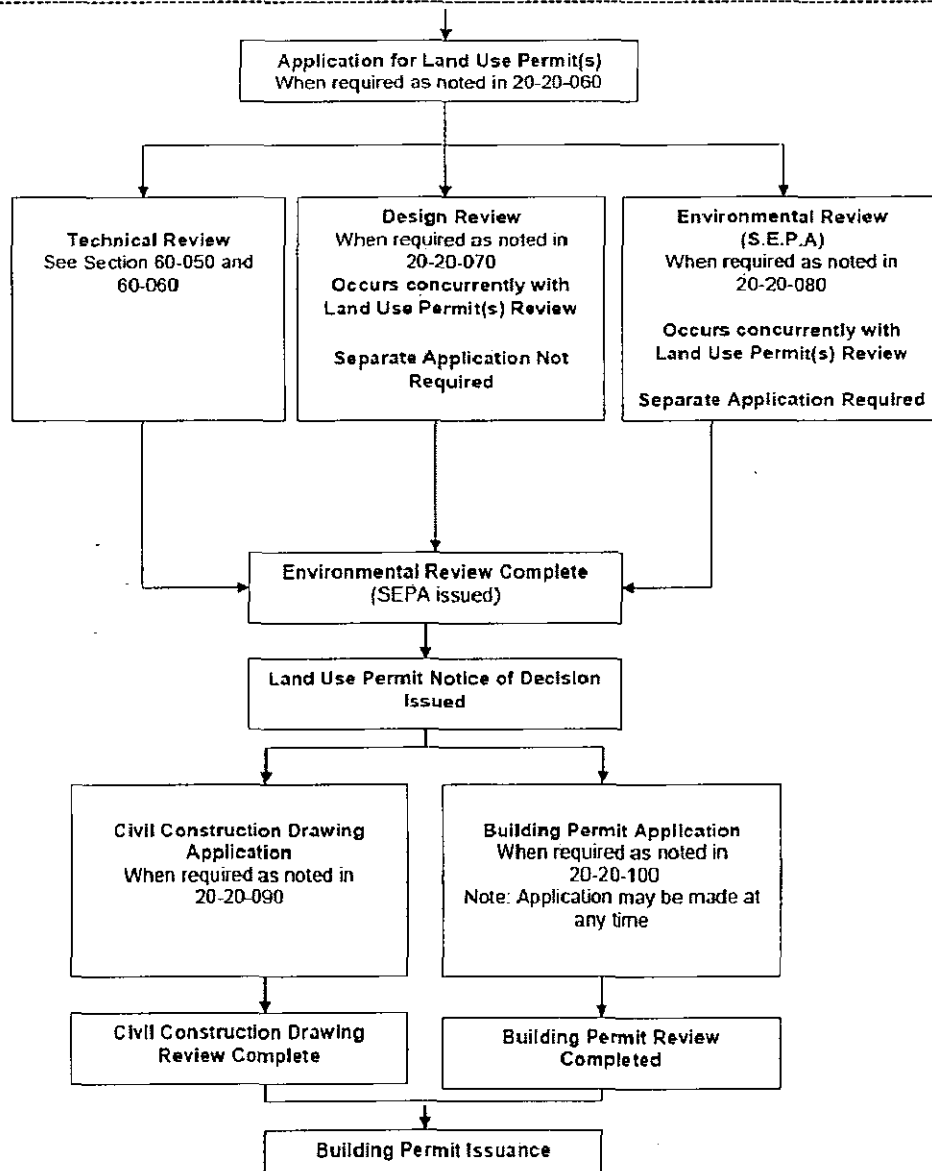
(1) Process Flow Chart. The flow chart below generally depicts the overall review process for development. The process may vary for individual permits based upon the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only.

### **20-020 Process Flow Chart-Overall Review of Development Applications**



Note: Applicants may choose to opt in to PREP after attending a Pre-Application Meeting.  
Pre-Application Meetings and PREP review are both optional processes that applicants may choose prior to formal application

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**20-030      Pre-Application Conferences.**

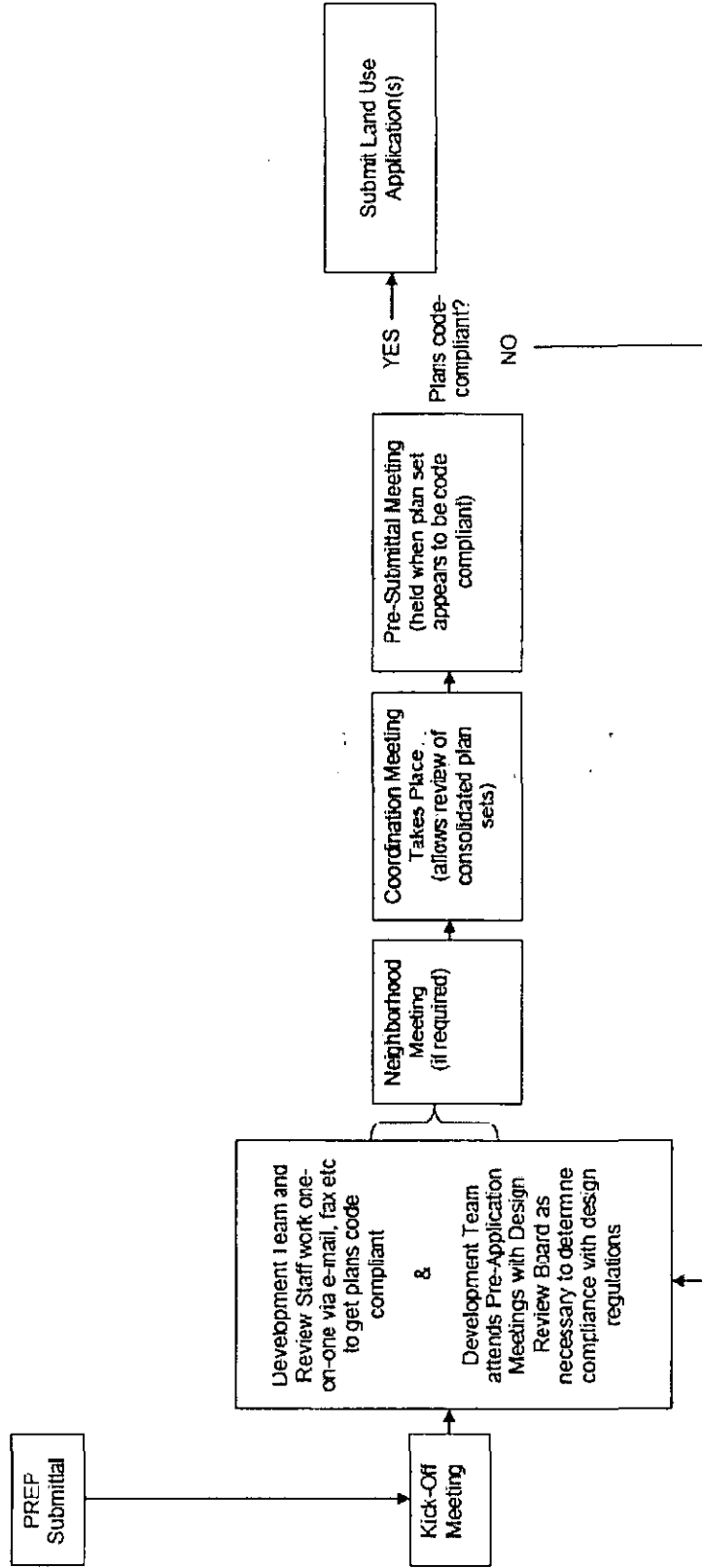
- (1) Purpose. The purpose of a pre-application conference is to provide applicants with the opportunity to meet with technical review staff prior to submitting an application, in order to review the proposed action, to become familiar with City policies, plans, and development requirements. Pre-application conferences are optional, but recommended for Type II-VI land use permits. Pre-application conferences may be requested for Type I applications. Pre-application procedures and submittal requirements shall be determined by the Administrator and available in the Redmond Development Services Center.
- (2) Design Review. When design review is required, a pre-application conference with the Design Review Board is recommended.
- (3) Limitations. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the City's future application or enforcement of all applicable regulations.

**20-040      Pre-Review Entitlement Process (PREP).**

- (1) Purpose. The purpose of the PREP process is to:
  - (a) Assist applicants to prepare a code-compliant land use application;
  - (b) Eliminate the City's need to request additional information that causes resubmittals, resubmittal fees, and further City review, and that extends project approval dates;
  - (c) Approve or recommend approval of land use applications following one Technical Committee review; and
  - (d) Reduce timeframes for approval of land use applications by expediting issue resolution through one-on-one collaboration between applicants and City staff.
- (2) Overview. PREP review is an optional process for certain land use permits which requires applicants to work collaboratively with review staff and Design Review Board (if required) to achieve a code compliant submittal prior to permit application. For PREP, an application must already be code-compliant and in approvable form to be considered complete. Upon submittal of the land use application, completion of environmental review and public notification takes place. Pending any changes that may result from public and/or environmental review, the Technical Committee will move forward to issue its decision or recommendation at the first Technical Committee and Design Review Board meetings following submittal of the land use application.
- (3) Eligibility. Any land use permit that is subject to resubmittal fees according to the adopted fee schedule is eligible for review under the PREP process.

- (4) Relationship to Pre-Application Meetings. Pre-Application meetings are intended as a one time meeting with review staff to obtain an overview of applicable regulations and process. Applicants may choose to attend a Pre-Application meeting, and opt in to the PREP process if they so desire.
- (5) Submittal Requirements. Applicants must submit the PREP Kick-Off Meeting Submittal Form and required materials, along with the required fee, in order to initiate PREP review.
- (6) Memorandum of Understanding. After the PREP Kick-Off Meeting and prior to beginning project review, the applicant must sign a Memorandum of Understanding in a form approved by the Administrator, that:
  - (a) Provides a description of the proposed project;
  - (b) Identifies the applicant's project team and primary contact;
  - (c) Declares turn-around time commitments for the applicant and the development services staff;
  - (d) States requests for deviation from code requirements;
  - (e) Identifies development services review staff assigned to the project;
  - (f) Describes requirements for staying in PREP
  - (g) Describes vesting procedures; and
  - (h) Describes Design Review Board procedures, if applicable.
- (7) Process Flow Chart. The flow chart below generally depicts the PREP process. The process may vary for individual permits based on the nature and complexity of the issues involved. This flow chart is therefore provided for general reference only.

**20-050 Process Flow Chart-PREP**



**Land Use Permit Review Generally.**

- (1) Purpose. The purpose of this section is to establish general procedures for reviewing all land use permit applications. The purpose of the land use permit review process is to determine compliance with the City's applicable development regulations, Comprehensive Plan provisions as well as applicable RCW (Revised Code of Washington) and WAC (Washington Administrative Code) regulations. This section is not intended to include:
  - (a) Requirements for compliance with the City's building and construction codes (set forth in RMC Title 15), determined during building permit review, or
  - (b) Requirements for civil construction drawing approval as described in Section 60-090.
- (2) Applicability. Review and approval of one or more land use permits is generally required for any public, semi-public or private proposal for new construction or exterior modification to a building or site including multi-family, commercial, industrial, utility construction, expansion or exterior remodeling of structures, parking, or landscaping. Other actions requiring a land use permit include interior tenant improvements that propose additional square footage (such as a mezzanine), master plans, proposed development within the shoreline jurisdiction, subdivision of land or modification to property boundaries, construction of telecommunication facilities, modifications to historic landmarks and proposed variances or modifications from adopted code standards such as site requirements, critical area regulations and shoreline regulations. Land use approval is also required for any proposed modification to the City's Zoning Code (including the Zoning Map) or Comprehensive Plan (including the Comprehensive Land Use Map).

Land use permit approval is not required for the following:

- (a) Signs not associated with a historic landmark, or a historic design district;
  - (b) Tenant improvements not associated with a historic landmark and not encompassing or triggering modification to the exterior of an existing building or site.
- (3) Site Plan Required. Where modifications to a site are proposed or required, a site plan shall be submitted as part of all permit and project approval applications with the information required in Section 30-40. Additional information may be required to conduct an adequate review. Each application shall be reviewed for compliance with the requirements in this Title. Site plans shall be reviewed as part of the application approval process unless otherwise provided in this chapter.

- (4) Procedures. All applications shall be reviewed using the procedures set forth for the Type I through Type VI review process in Chapter 50.
- (5) Decision.
  - (a) The approval authority shall approve, approve with conditions, or deny the application based upon the applicable decision criteria. The approval authority may grant final approval subject to any conditions it feels necessary to protect and promote the health, safety and general welfare of the community.
  - (b) Such conditions may include, but are not limited to the following: the requirement of easements, covenants, and dedications; "fees-in-lieu-of"; the installation, maintenance and bonding of improvements such as streets, landscaping, sewer, water, storm drainage, underground wiring, sidewalks, trails; and the recording of any conditions to achieve the objectives of the Zoning Code with the King County Department of Records and Elections.

**20-070 Design Review.**

- (1) Purpose. The purpose of design review is to:
  - (a) Encourage and promote the public health, safety and general welfare of the citizens of Redmond including the development and coordination of municipal growth and services;
  - (b) Supplement the City's land use regulations in order to promote a coordinated development of the undeveloped areas of the City and conserve and restore natural beauty and other natural resources;
  - (c) Encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or design area as a whole;
  - (d) Discourage monotonous, drab, and unsightly developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other,;
  - (e) Aid in ensuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping and that proper attention is given to exterior appearances of structures, signs and other improvements;

- (f) Protect the heritage of the City by ensuring that historic resources retain integrity, ensuring that developments adjacent to historic landmarks are compatible, and by encouraging design that is appropriate to historic design districts;
  - (g) Protect and enhance the City's pleasant environments for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;
  - (h) Stabilize and improve property values and prevent blight areas to help provide an adequate tax base to the City to enable it to provide required services to its citizens; and
  - (i) Foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City and its citizens.
- (2) Applicability. Compliance with the Design Criteria outlined in 20D.40 shall be required for all applications requiring a building permit for exterior modifications, new construction and signs, projects requiring a Level II or III certificate of appropriateness, and any private or public development within the shoreline jurisdiction. The following are exempt from this requirement:
- (a) One and two unit residential structures unless the structure is a historic landmark; and
  - (b) Tenant improvements not associated with a historic landmark or not encompassing an exterior modification to the exterior of an existing building.
- (3) Review Authority.
- (a) The Design Review Board shall have design review authority over all applications not exempt under section (2) above, that require a building permit and that have a total valuation of \$50,000 or more, except for the following:
    - (i) Signs (other than sign programs); and
    - (ii) Commercial buildings located within the I zones unless the site is located in areas of high public visibility such as arterials.

- (b) The Landmark Commission shall have design review authority over designated historic landmarks as outlined in 60-080 and 60-130.
- (c) The Administrator shall have design review authority on all building permit applications that have a total valuation of less than \$50,000 and are not specifically exempt from design review in section (2) above :
- (d) For projects reviewed by the Administrator that are not in compliance with the applicable design standards, the Administrator may refer the application to the Design Review Board for consultation. For Level I certificates of appropriateness, the Administrator may consult with or use the authority of the King County Historic Preservation Officer or other preservation expert with similar qualifications.
- (4) Procedure. Design review requiring review and decision by the Design Review Board shall be conducted as provided in 60-070.

**20-080 State Environmental Policy Act (SEPA) Review.**

All applications shall be reviewed under the State Environmental Policy Act unless categorically exempt. The City's environmental review procedures are set forth in Chapter \_\_\_\_\_ of this Code.

**[ENVIRONMENTAL REVIEW SECTION 20F.20.40 REMOVED FOR NOW; WILL BE REVISED IN SUBSEQUENT PHASE OF REWRITE]**

**20-090 Civil Construction Drawing Review.**

- (1) Purpose. The purpose of this section is to establish procedures for reviewing civil construction drawings for site improvements. Civil construction drawings are detailed engineering documents that are required for improvements to a particular site. Civil construction drawings are reviewed through the Coordinated Civil Review Process.
- (2) Applicability. Civil Construction Drawing Review shall be required for all proposals that require construction or modification of streets, sidewalks, storm drainage, utilities or any other surface or subsurface improvements that may be required.
- (3) Procedures.

- (a) After approval of the land use permit, civil construction drawings, if required, shall be submitted for review and approval, prior to issuance of a building permit or clearing and grading permit. Civil construction drawings may be submitted prior to approval of the land use permit, subject to Technical Committee approval.
- (b) The submittal requirements for civil construction drawings are contained within Appendices 20C-1, 20D-1, 20D-2, 20D-3, 20D-4, and 20D-5, as well as in the development permit approval documents.
- (c) Civil construction drawings shall be approved only after review and approval of a land use permit application has been issued by the appropriate decision making body. Civil construction drawings shall be reviewed to determine compliance with the approved land use permit.
- (d) Civil construction drawings shall be approved only upon completion of the environmental review process required under the State Environmental Policy Act (SEPA).

**20-100 Building Permit Review.**

- (1) Purpose. The purpose of this section is to establish procedures and requirements for administering and enforcing building and construction codes.
- (2) Applicability. A building permit shall be obtained whenever required under the International Building Code or International Residential Code, as adopted in chapter 15.06 of the Redmond Municipal Code.
- (3) Scope. This section shall govern all building and construction codes procedures and shall control in the event there are conflicts with other administrative, procedural and enforcement sections of the Zoning Code.
- (4) Procedures.
  - (a) All land use permits required by the Zoning Code must be obtained before any building or construction permit may be issued.
  - (b) The Administrator shall review building permit applications for signs and may, at the Administrator's option, submit such applications to the Technical Committee and the Design Review Board for review.



- (c) All building and construction permits shall comply with the approved land use permit(s), if a land use permit is required.
  - (d) Building permits may only be approved when the approval of the civil construction drawings, if required, has been granted.
- 
- (5) Complete Applications and Compliance Review. Upon the submittal of all required documents and fees for construction and/or final application approval, the appropriate City department shall review such submittals to determine if the application is complete. The appropriate department shall determine compliance with all requirements, standards and conditions of any previous or preliminary approvals before making a decision on the application.
  - (6) Preconstruction Conference. Prior to undertaking any clearing, grading or construction or any other improvements authorized by preliminary or final approval, the applicant or his representative shall meet with the Technical Committee, or individual departments regarding City standards and procedures, conditions of approval, and the proposed scheduling of development.
  - (7) Performance Assurance. Performance assurance may be required as provided in Section \_\_\_\_\_

## **30 APPLICATION REQUIREMENTS**

### **30-010 Purpose.**

The purpose of this section is to describe the requirements for making application for review, including pre-application conferences, submittal requirements, and fees.

### **30-020 Where to Apply.**

Applications for development permits and other land use actions shall be made to the Redmond Development Services Center.

**30-030 Who May Apply.**

The property owner or any agent of the owner with authorized proof of agency may apply for a permit or approval under the type of process specified.

**30-040 Submittal Requirements**

- (1) The Administrator shall specify submittal requirements needed for an application to be complete. Submittal requirement for each permit application shall be available in the Development Services Center. At a minimum the following shall be submitted:
  - (a) General application form, including signature by the property owner, or person having authorization to sign on behalf of the property owner;
  - (b) Applicable fees;
  - (c) Environmental checklist (if not exempt);
  - (d) Applicable signatures, stamps or certifications;
  - (e) All required items stated in the applicable application submittal requirements handout.
- (2) Specific submittal requirements may be waived if determined to be unnecessary for review of an application. Alternatively, the Administrator may require additional material when the Administrator determines, after a determination of completeness is issued, that such information is needed to adequately assess the proposed project.
- (3) Submittal requirements for short subdivision and preliminary plat applications are set forth in Sections \_\_\_\_ and \_\_\_\_ of the zoning code.

**30-050 Application and Inspection Fees.**

- (1) Fee Schedule.

- (a) The schedule of fees adopted pursuant to this section shall govern assessment of fees to cover costs incurred by the City in considering action on land use and development applications. This schedule is available in the Redmond Development Services Center.
- (b) With respect to land use permit applications, building inspection, electrical, mechanical, and plumbing permit fees, the Director of the Department of Planning and Community Development is hereby authorized to promulgate fee schedules and to periodically revise the same as needed in light of costs of administering said permit systems, subject to approval of the City Council by resolution. With respect to clearing and grading, and site construction and inspection permit fees, the Director of the Department of Public Works is hereby authorized to promulgate fee schedules and to periodically revise the same as needed in light of costs of administering said permit systems, subject to approval of the City Council by resolution. Said administrators may alternatively elect to utilize the fee schedule set forth in the applicable uniform code when such code has been adopted by ordinance.

(2) Fee Administration.

- (a) An application fee consisting of the appropriate itemized costs from the fee schedule shall be collected from the applicant and receipted by the City prior to taking any action on an application. A final inspection fee, consisting of the appropriate components from the fee schedule, shall be collected from the applicant and receipted by the City prior to undertaking any steps to check plans or construction drawings, inspect improvements or authorize final project approval or occupancy.
- (b) If at any time an applicant withdraws an application from the approval process prior to final approval, those itemized costs not incurred to any extent by the City shall be refunded as determined by the Administrator.
- (c) In the event that actions of an applicant result in the repetition of the reviews, inspections and other steps in the approval process, those items repeated shall be charged to and paid by the applicant according to the fee schedule prior to any further processing of the application by the City.
- (d) Applicants seeking approval of multiple applications which are processed simultaneously, whereby single review costs are reduced, shall be charged the larger of the itemized costs from the fee schedule or as determined by the Administrator. The fee for any inspection shall be the larger of the totals computed on a lot, per acre or per application

basis. The fee for any single application shall be the smaller of the totals computed on a per lot, per acre, or per application basis.

(3) Fee Exemptions.

- (a) When a City department applies for a permit required by RCDG Title 20C, Land Use Regulations; RCDG Title 20D, Citywide Regulations; Chapter 15.08 RMC, Building Code; and RCDG Title 20F, Administration and Procedures, the department shall not be required to pay application fees. Where an application will require substantial review time or expenditures, the Administrator may require that the department applying for the permit reimburse the departments reviewing the application for some or all of the time and costs expended in the review.
- (b) For housing projects that meet the requirements of this subsection, application fees shall not be required for any permit required by RCDG Title 20C, Land Use Regulations; RCDG Title 20D, Citywide Regulations; Chapter 15.08 RMC, Building Code; and RCDG Title 20F, Administration and Procedures.
  - (i) The housing will be ultimately owned by households earning 60 percent of the King County median family income adjusted for household size, nonprofit organizations, or public agencies.
  - (ii) The housing will remain affordable to households earning 60 percent or less of the King County median family income adjusted for household size for at least five years. The Administrator may condition the project for a longer period of time if needed to recover the community's investment.
  - (iii) The housing will help meet an unfulfilled portion of Redmond's affordable housing targets.
  - (iv) The location will meet Redmond's policies and zoning for the proposed housing type and density.
  - (v) The proposal will result in a benefit to the community.
  - (vi) The waiver will not result in an unacceptable adverse impact on the service providers funded by the fees proposed for a waiver.

- (c) For environmental restoration or enhancement projects that meet the requirements of this subsection, application fees shall be required for any permit required by RCDG Title 20C, Land Use Regulations; RCDG Title 20D, Citywide Regulations; Chapter 15.08 RMC, Building Code; and RCDG Title 20F, Administration and Procedures.
  - (i) The project will be carried out by nonprofit organizations, volunteer groups or other persons or groups demonstrating similar intent.
  - (ii) The applicant shall demonstrate that the primary purpose of the project is environmental restoration or enhancement.
  - (iii) The project will help meet an unfulfilled habitat restoration need identified by the City.
  - (iv) The project and its location shall meet all applicable policies and regulations.
  - (v) The proposal will result in a benefit to the community.
  - (vi) The waiver will not result in an unacceptable adverse impact on the service providers funded by the fees proposed for a waiver.
- (d) Temporary use permit applications for off-site construction employee parking are exempt from the payment of application fees if all of the following requirements are met:
  - (i) The construction site where the construction employees will be working is located in the Downtown or Overlake neighborhoods.
  - (ii) The developer/general contractor is responsible for providing/organizing transportation for construction employees between the parking site and construction site.
  - (iii) The developer/general contractor is responsible for obtaining any necessary lease/permission from the property owner to park on the off-site parking location.
- (e) Any request for a fee waiver shall be made in writing when the application is filed.

- (f) The Administrator may condition a waiver to ensure the project will meet the requirements of this subsection or to lessen impacts on the service providers funded by the fees that are waived.

## **40 TIMEFRAMES FOR REVIEW.**

### **40-010 Purpose.**

The purpose of this chapter is to comply with RCW 36.70B.070 and 36.70B.080, which require that timeframes be established to ensure applications are reviewed in a timely and predictable manner. This chapter establishes the timeframes and procedures for a determination of completeness and final decision for Type II, III, IV and V reviews, except where the review involves a development agreement or a land use permit for which a development agreement is required. No timeframes are established by these this statutes chapter for Type I or Type VI reviews or for the review of development agreements or land use permits for which a development agreement is required. See also, RCDG 20D.150.200-030, Shoreline Permits.

### **40-020 Computing Time.**

Unless otherwise specified, all timeframes are indicated as calendar days, not working days. For the purposes of computing time, the day the determination or decision is rendered shall not be included. The last day of the time period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, in which case it also is excluded and the time period concludes at the end of the next business day.

### **40-030 Complete Application Review Timeframe.**

The following procedures shall be applied to new applications to which this chapter applies.

- (1) Applications shall only be accepted during a scheduled appointment, and deemed complete when all materials are provided in accordance with the applicable Application Submittal Requirements Brochure. For applications deemed complete, a Determination of Completeness shall be issued. For applications deemed incomplete, a Determination of Incompleteness will be issued identifying the items necessary to complete the application. The applicant has 90 days to submit the required items to the City. While RCW 36.70B.070 requires that a determination of completes or incompleteness be issued within 28 days after the application is filed, the City makes every effort to issue such determinations sooner than required, and may be able to issue a determination on the same day as the application is filed.
- (2) If a Determination of Completeness or a Determination of Incompleteness is not issued within the 28 days, the application shall be deemed complete at the end of the twenty-eighth day.

- (3) When a Determination of Incompleteness has been issued advising an applicant that additional items must be submitted before an application can be considered complete, the applicant shall be notified within 14 days after receipt of such additional items whether the application is then complete or whether additional items are still needed.
- (4) An application is complete for purposes of this section when it meets the submittal requirements established by the Administrator and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The Determination of Completeness shall not preclude the Administrator from requesting additional information or studies either at the time of the Determination of Completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.
- (5) To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination of completeness required by subsection (1) of this section.

**40-040 Application Review and Decision Timeframe.**

- (1) Decisions on Type II, III, IV or V applications, except applications for short plat approval, preliminary plat approval, or final plat approval, applications for development agreements and applications for land use permits for which a development agreement is required, shall not exceed 120 days, unless the Administrator makes written findings that a specified amount of additional time is needed for processing of a specific complete land use application or unless the applicant and the City agree, in writing, to an extension. Decisions on short plat approval and final plat approval shall not exceed 30 days and decisions on preliminary plat approval shall not exceed 90 days. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first working day following the date the application is determined to be complete pursuant to Section 40-030 and shall only include the time during which the City can proceed with review of the application.
- (2) Appeals. The time period for consideration and decision on appeals shall not exceed:
  - (a) Ninety days for an open record appeal hearing; and
  - (b) Sixty days for a closed record appeal;
  - (c) The parties may agree in writing to extend these time periods. Any extension of time must be mutually agreed upon by the applicant and the City in writing.



- (3) Exemptions. The time limits established in this title do not apply if a project permit application:
  - (a) Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;
  - (b) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.
- (6) See also RCDG 20D.150.200-030, Shoreline Permits.

#### **40-050      Calculating Decision Timeframe.**

In determining the number of days that have elapsed after the City has notified the applicant that the application is complete for purposes of calculating the time for issuance of the decision, the following periods shall be excluded:

- (1) Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the City;
- (2) If the City determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (1) of this section shall apply as if a new request for information had been made;
- (3) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, or if the City and the applicant in writing agree to a time period for completion of an environmental impact statement;
- (4) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed.

## 50


## PERMIT TYPES AND PROCEDURES

### 50-010 Purpose.

The purpose of this chapter is to provide detailed administrative review procedures for applications and land use permits classified as Types I through VI.

### 50-020 Scope.

Land use and development decisions are classified into six processes based on who makes the decision, the amount of discretion exercised by the decision-maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity generally as follows:

	Type I Administrative	Type II Administrative	Type III Quasi-Judicial	Type IV Quasi-Judicial	Type V Quasi-Judicial	Type VI Legislative
Level of Impact and Level of Discretion Exercised by decision maker						Potential for greatest level of impact due to changes in regulation or policy. Greatest level of
Input Sought	Minimal—generally no public notice required. No public hearing.	Notice of Application provided. No public hearing. Neighborhood meeting only required for short plats meeting certain criteria.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Public Hearing provided.
Public Hearing prior to Decision?	No	No	Yes, Hearing Examiner (or Landmarks Commission)**	Yes, Hearing Examiner	Yes, City Council	Yes, Planning Commission
Decision Maker	Appropriate Department	Technical Committee	Hearing Examiner (or Landmarks	City Council	City Council	City Council

			Commission)**			
Administrative Appeal Body	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council)	Hearing Examiner* (Hearing Examiner decision on appeal may be appealed to City Council)	City Council*	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)

\* Shoreline Substantial Development Permits, Shoreline Variances and Shoreline Conditional Use Permits are appealable directly to the State Shorelines Hearings Board

\*\*Landmarks Commission makes decisions for Certificate of Appropriateness Level III permits

### 50-030 Classification of Permits and Decisions - Table.

The following table sets forth the various applications required and classifies each application by the process used to review and decide the application.

Type I (Section 50-060):	Administrative Approval, Appropriate Department is Decision Maker
Type II (Section 50-070):	Administrative Approval, Review and Decision by Technical Committee and Design Review Board or Landmarks Commission*
Type III (Section 50-080):	Quasi Judicial, Decision by Hearing Examiner or Landmark Commission*
Type IV (Section 50-090):	Quasi-Judicial, Recommendation by Hearing Examiner, Decision by City Council
Type V (Section 50-100):	Quasi-Judicial, Decision by City Council
Type VI (Section 50-110):	Legislative, recommendation by Planning Commission, Decision by City Council

\*for properties with a Designation of Historic Significance. Please refer to Section 60-080

Permit Type	Process Type	RMC Section (if applicable)
Administrative Interpretation	I	
Administrative Modification	II	
Alteration of Geologic Hazard Areas	III	
Binding Site Plan	II	
Boundary Line Adjustment	I	
Building Permit	I	RMC 15.06

Certificate of Appropriateness Level II	II	
Certificate of Appropriateness Level III	III	
Christmas Tree Lot Permit	I	RMC (TBD)
Clearing and Grading Permit	I	RMC 15.24
Comprehensive Plan Map and/or Policy Amendment	VI	
Conditional Use Permit	IV	
Critical Areas Reasonable Use Exception-Private	III	
Critical Areas Reasonable Use Exception-Public Project	II	
Development Agreement	V	
Electrical Permit	I	RMC 15.12
Essential Public Facility	IV	
Extended Public Area Use Permit	I	RMC 12.08
Flood Zone Permit	I	RMC 15.04
Historic Landmark Designation	III	
Home Business	I	
Hydrant Use Permit	I	RMC 13.16.020
International Fire Code Permit	I	RMC 15.06
Master Planned Development (see section 70-190)	II, III, IV or V	
Mechanical Permit	I	RMC 15.14
Plat Alteration	V	
Plat Vacation	V	
Plumbing Permit	I	RMC 15.16
Preliminary Plat	III	
Review of Impacts to Archaeological Sites	I	
Right of Way Use Permit	I	RMC 12.08
SEPA	II	
Sewer Permit	I	RMC 13.04
Shoreline Conditional Use Permit	III	
Shoreline Exemption	I	
Shoreline Substantial Development Permit	II	
Shoreline Variance	III	

Short Plat	II	
Sign Permit/Program	I	
Site Plan Entitlement	II	
Special Event Permit	I	RMC 10.60
Structure Movement Permit I-IV	I	RMC 15.22
Telecommunication Facility Permit I	I	
Telecommunication Facility Permit II	II	
Temporary Use Permit (long term)	V	
Temporary Use Permit (short term)	I	
Tree Removal Permit	I	
Variance	III	
Water Permit	I	RMC 13.08
Zoning Code Amendment-Zoning Map (consistent with Comprehensive Plan)	IV	
Zoning Code Amendment (text)	VI	
Zoning Code Amendment (that requires a Comprehensive Plan Amendment)	VI	

**50-040 Permits and Actions Not Listed.**

If a permit or land use action is not listed in the table in 50-030, the Administrator shall make a determination as to the appropriate review procedure based on the most analogous permit or land use action listed.

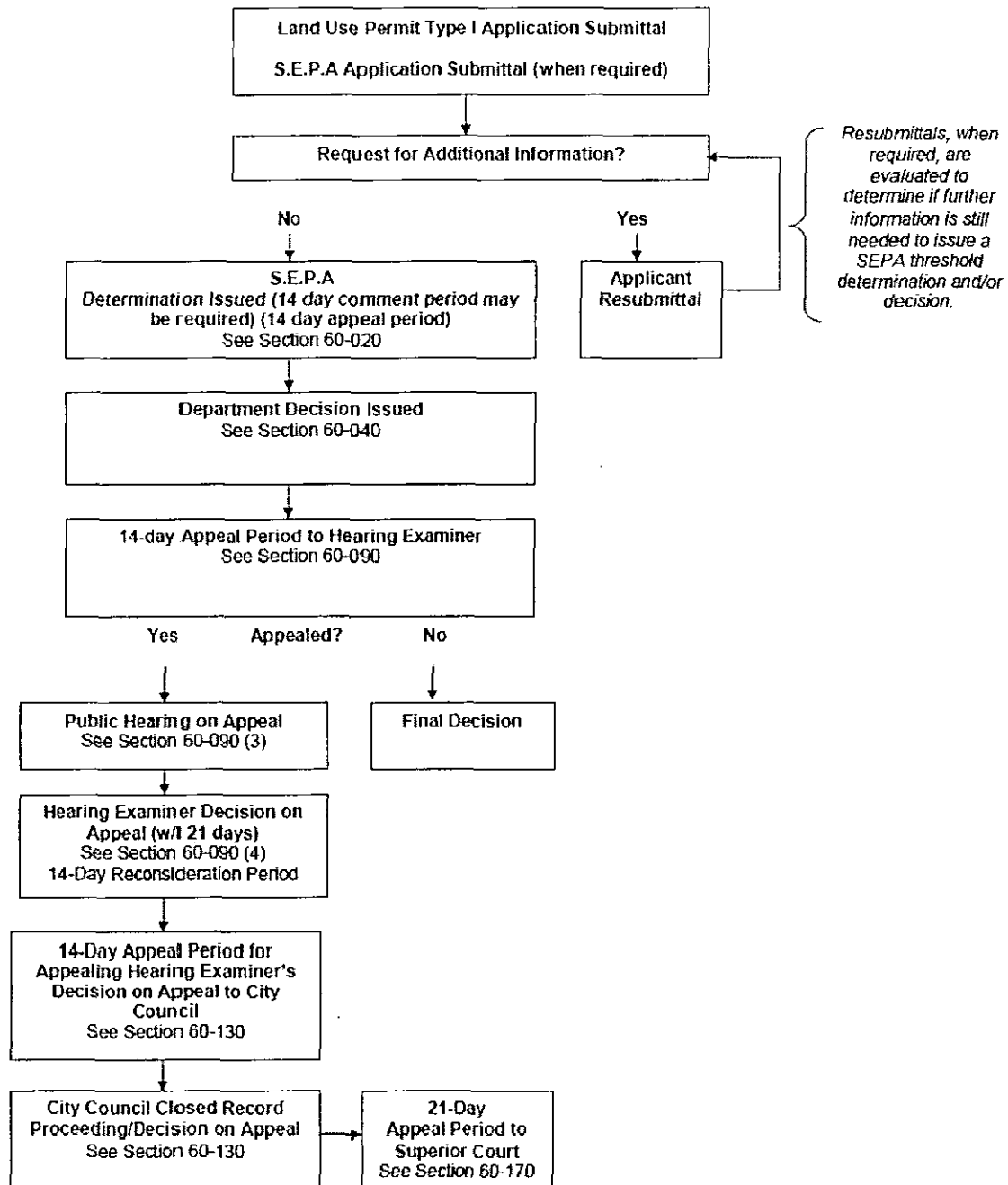
**50-050 Consolidated Permit and Appeal Process.**

- (1) Where this Code requires more than one land use permit for a given development, all permit applications (except Type I applications) may be submitted for review collectively according to the consolidated review process established by this section.
- (2) Where two or more land use applications for a given development are submitted for consolidated review, the review shall be conducted using the highest numbered process type applicable to any of the land use applications, provided, that each land use application shall only be subject to the relevant decision criteria applicable to that particular development application. For example, a development proposal that includes a Type II application and a Type III application shall be reviewed using the Type III process, but the Type II application shall be decided based on the relevant decision criteria applicable to the Type II application.
- (3) When the consolidated process established by this section is used, the City shall issue single, consolidated notices, staff reports, and decision documents encompassing all of the land use applications under review. Except as provided in subsection (5), the applications shall be considered in a single, consolidated open record public hearing and shall be subject to no more than one consolidated closed record appeal.
- (4) Where a development requires more than one land use permit but the applicant elects not to submit all applications for consolidated review, applications may be submitted and processed sequentially, provided, that the permit subject to the highest numbered process type must be submitted and obtained first, followed by the other permits in sequence from the highest numbered type to the lowest.
- (5) Where a development proposal requires a zoning map amendment, the zoning map amendment must be considered and approved by the Hearing Examiner and City Council before any hearing is held or decision is made on any related application for a conditional use permit, subdivision, variance, master planned development, site plan entitlement, or other similar quasi-judicial or administrative action. This subsection is intended to be a "procedural requirement" applicable to such actions as contemplated by RCW 58.17.070.
- (6) All appeals of project permit decisions for a single project shall be consolidated and heard together in a single appeal, except for appeals of environmental determinations of significance. Where a determination of significance (DS) is appealed, the appeal shall be heard by the Hearing Examiner using the Type II review process prior to any consideration of the underlying application. Where a determination of non-significance

(DNS) or the adequacy of an environmental impact statement (EIS) is appealed, the hearing on the appeal shall be consolidated with any open record public hearing to be conducted on the underlying application.

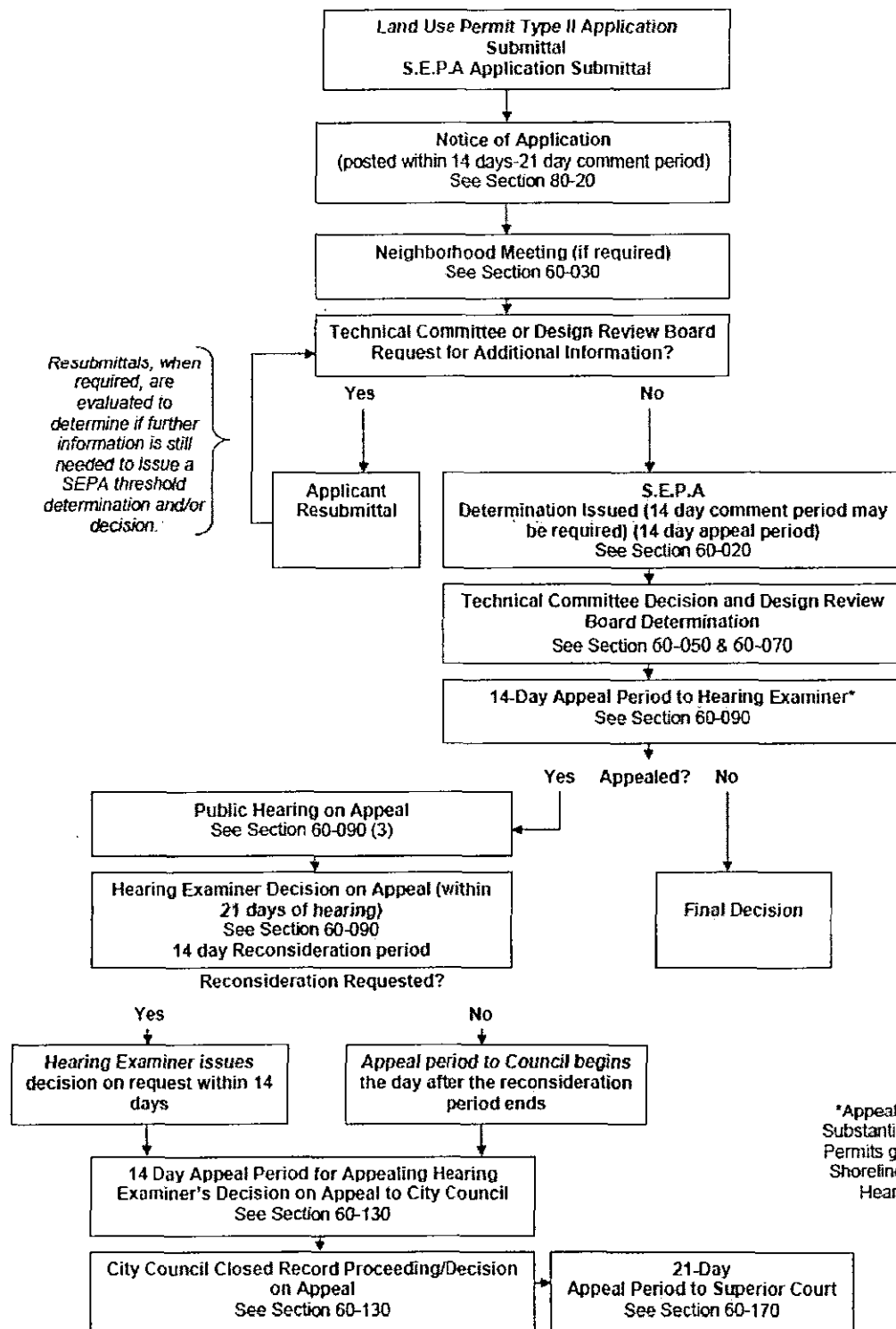
**50-060          Type I Review.**

- (1) Overview of Type I Review. A Type I process is an administrative review and decision by the appropriate department director or designee. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA) or permits for which environmental review has been completed in connection with another application. Appeals of Type I decisions are made to the Hearing Examiner in an open record hearing. Appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding. Type I reviews are exempt from the procedures of Chapter 40, Timeframes for Review.
- (2) Process Flow Chart. The flow chart below generally depicts the process that will be used to review a typical Type I land-use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flowchart is therefore provided for general reference only. More detail on each of the steps is provided in Chapter 60, Process Steps and Decision-Makers.

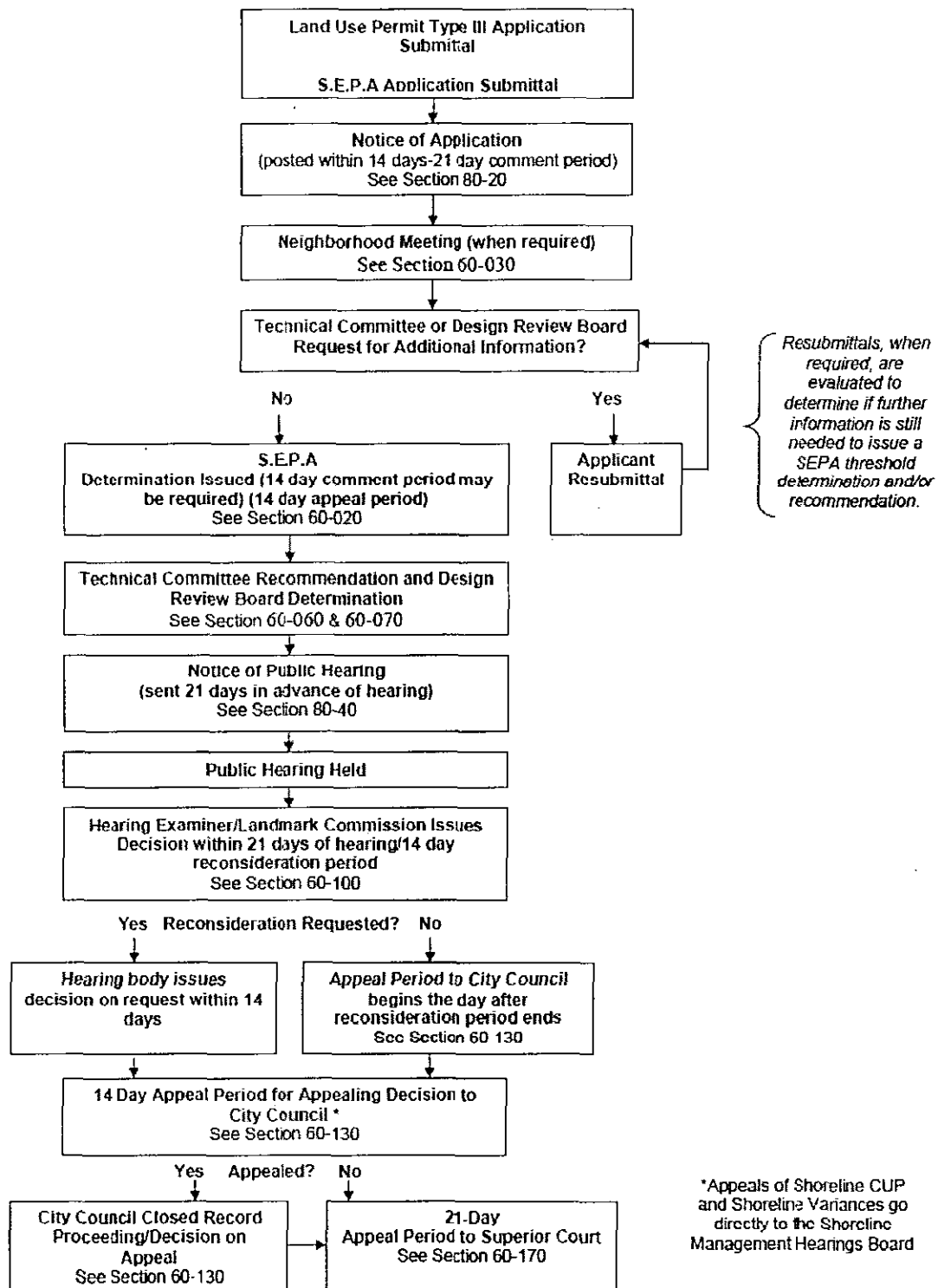




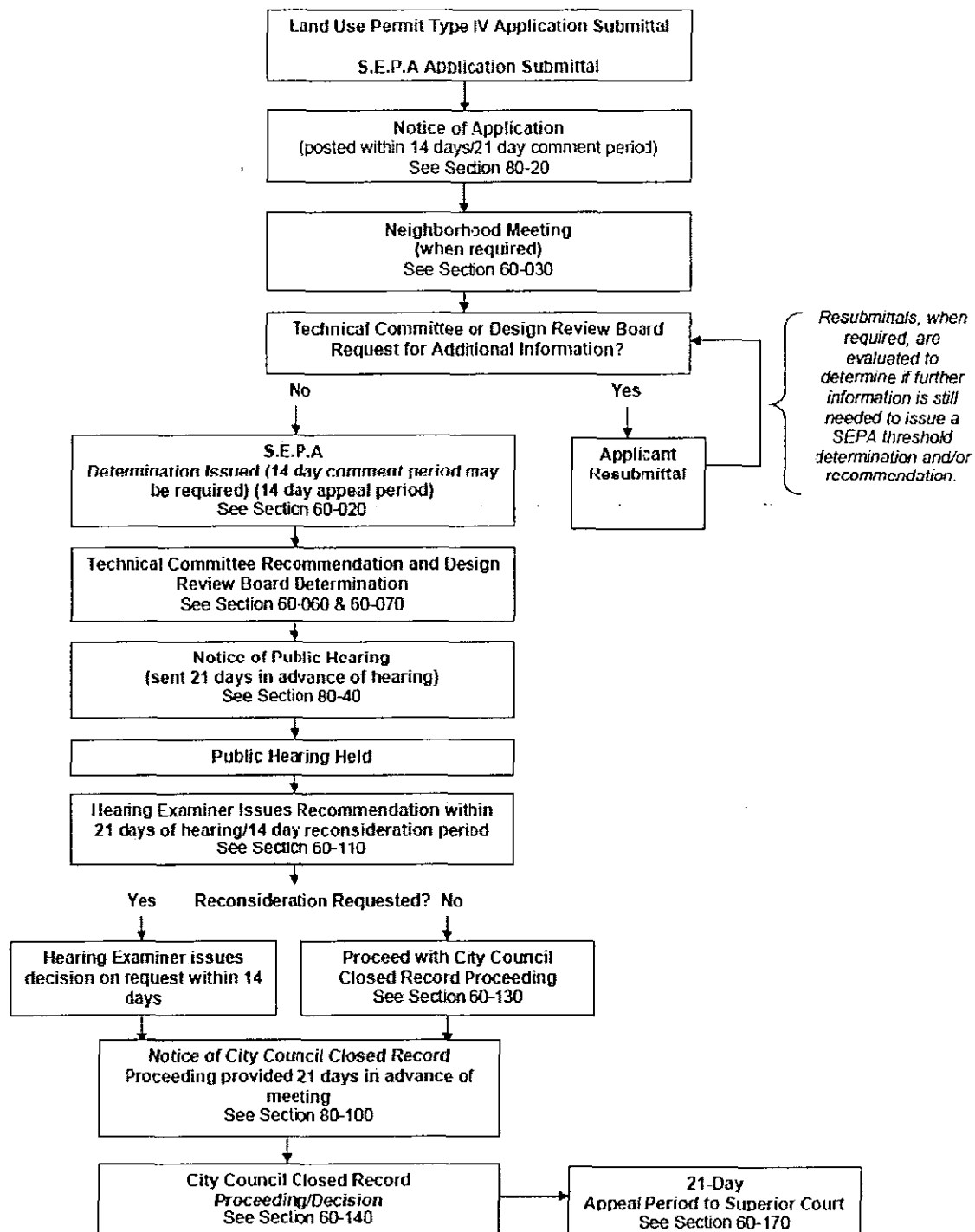
- (1) Overview of Type II Review. A Type II process is an administrative review and decision by the Technical Committee and, when required, by the Design Review Board or the Landmark Commission. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. Except for Certificates of Appropriateness related to historic structures, public notification is provided at the application and decision stages of review. Environmental review is conducted, when required. Appeals of Type II decisions are made to the Hearing Examiner in an open record hearing. Appeal decisions of the Hearing Examiner may be appealed to the City Council.
- (2) Process Flow Chart. The flow chart below generally depicts the process that will be used to review a typical Type II land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flowchart is therefore provided for general reference only. More detail on each of the steps is provided in Chapter 60, Process Steps and Decision-Makers and Chapter 80, Notice.



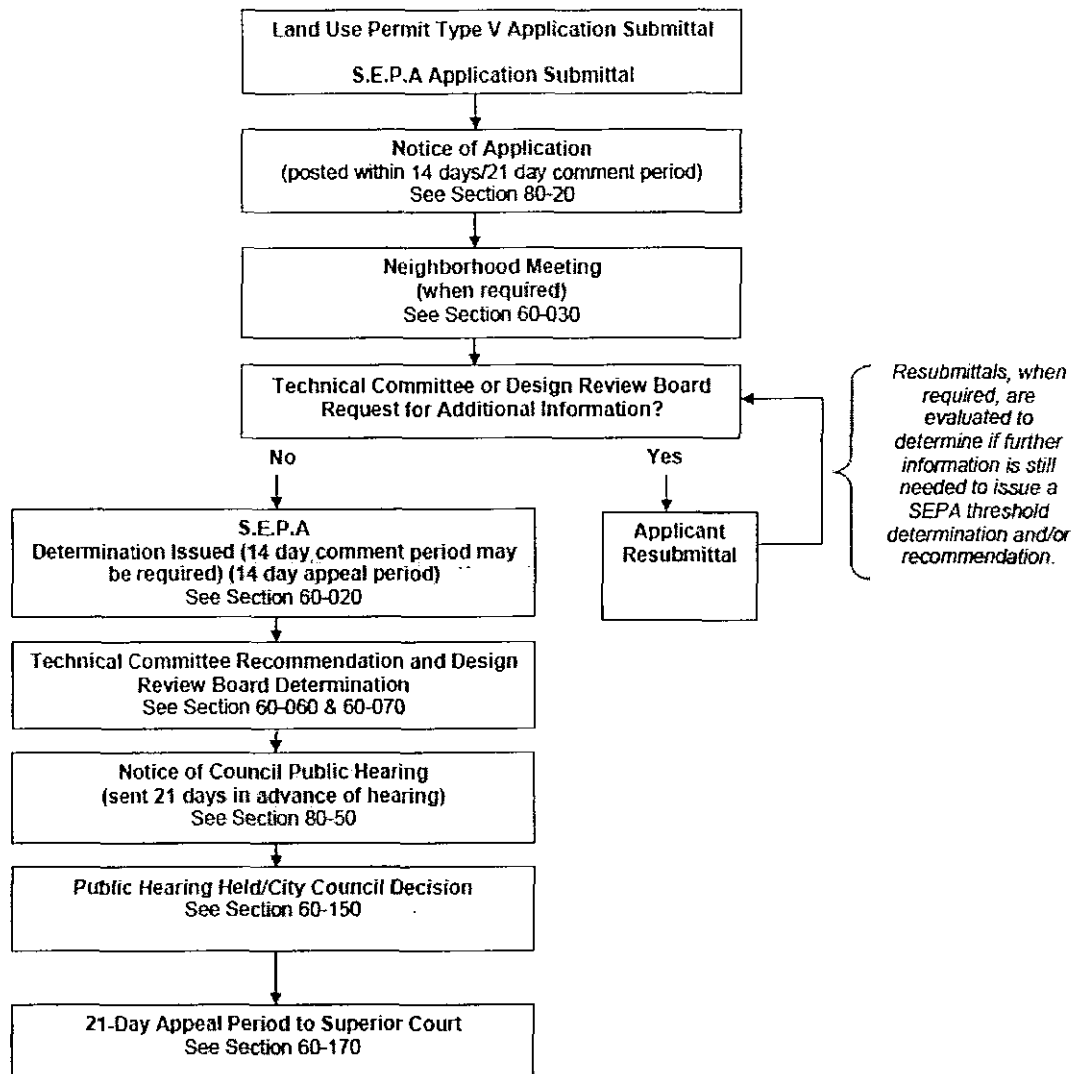
- (1) Overview of Type III Review. A Type III process is a quasi-judicial review and decision made by the Hearing Examiner or, in the case of Level III Certificates of Appropriateness on which a hearing is to be held under 70-090(4)(b) and in the case of Historic Landmark Designations for removal of Historic Landmark Designations, by the Landmark Commission. Environmental review is conducted when required. The Hearing Examiner (or the Landmark Commission on the applications described in the preceding sentence) holds an open record public hearing on a Type III application after receiving a recommendation from the Technical Committee and, when required, the Design Review Board. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. Public notification is provided at the application, public hearing, and decision stages of application review. The Hearing Examiner (or the Landmark Commission on the applications described above) makes a decision after considering the recommendation of the Technical Committee and Design Review Board and the public testimony received at the open record public hearing. Decisions of the Hearing Examiner (or the Landmark Commission on the applications described above) are appealable to the City Council, which considers the appeal in a closed record appeal proceeding. The City Council's decision may be appealed to the King County Superior Court.
- (2) Process Flow Chart. The flow chart below generally depicts the process that will be used to review a typical Type III land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flowchart is therefore provided for general reference only. More detail on each of the steps is provided in Chapter 60, Process Steps and Decision-Makers, and Chapter 80, Notice.



- (1) Overview of Type IV Review. A Type IV review is a quasi-judicial review and recommendation made by the Hearing Examiner and a decision made by the City Council. Environmental review is conducted when required. At an open record public hearing, the Hearing Examiner considers the recommendation of the Technical Committee and, when required, the Design Review Board, as well as public testimony. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. The Hearing Examiner makes a recommendation to the City Council, which considers the recommendation in a closed record proceeding and makes a final decision. Public notification is provided at the application, public hearing, and decision stages of application review. There is no administrative appeal. The City Council's decision may be appealed to the King County Superior Court.
- (2) Process Flow Chart. The flow chart below generally depicts the process that will be used to review a typical Type IV land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flowchart is therefore provided for general reference only. More detail on each of the steps is provided in Chapter 60, Process Steps and Decision-Makers and Chapter 80, Notice.



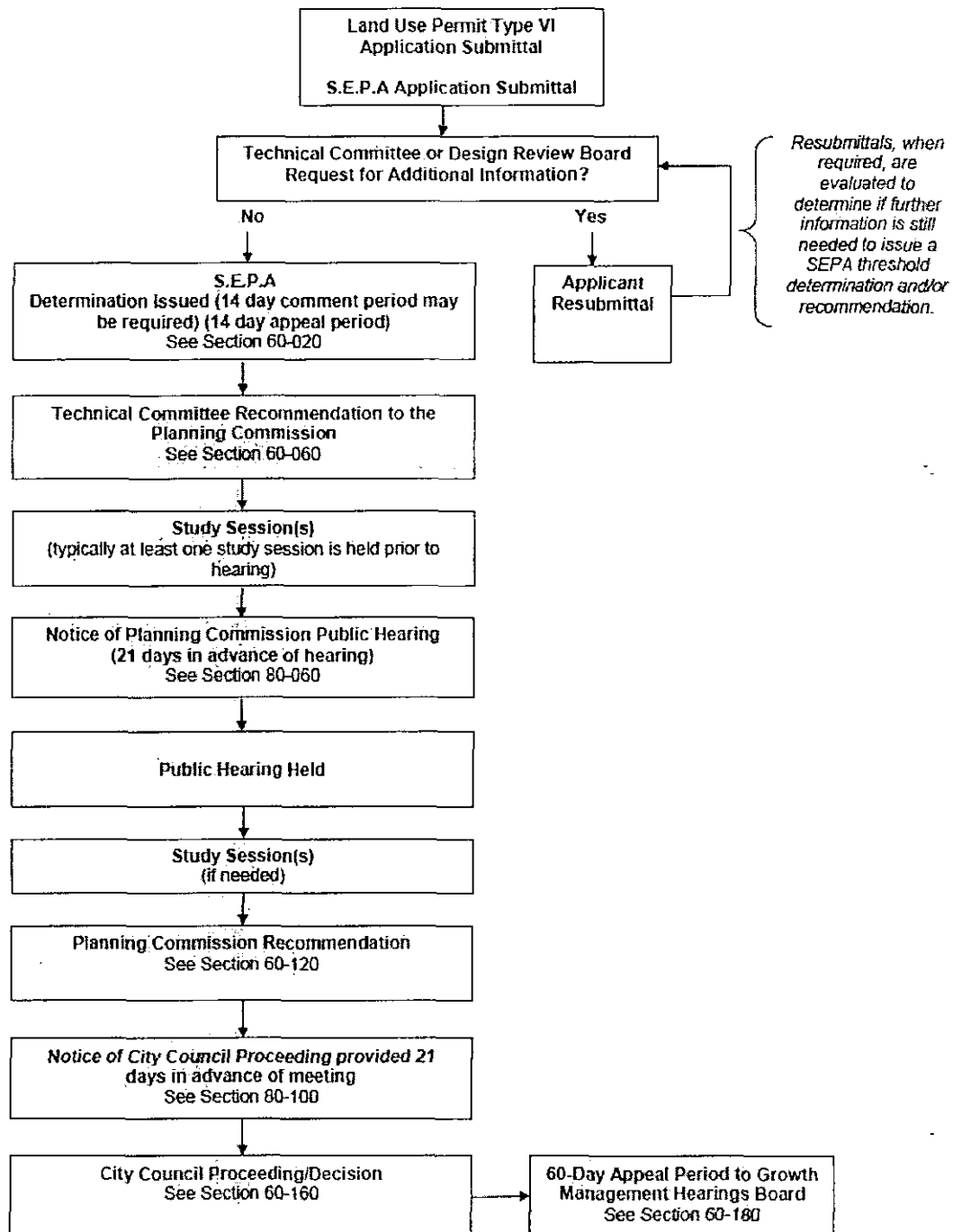
- (1) Overview of Type V Review. A Type V review is a quasi-judicial review and decision made by the City Council. Environmental review is conducted when required. The Technical Committee (and Design Review Board, if required) makes a recommendation to the City Council. Depending on the application, the Technical Committee may require a neighborhood meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court.
- (2) Process Flow Chart. The flow chart below generally depicts the process that will be used to review a typical Type V land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flowchart is therefore provided for general reference only. More detail on each of the steps is provided in Chapter 60, Process Steps and Decision-Makers, and Chapter 80, Notice.





**50-110      Type VI Review.**

- (1) Overview of Type VI Review. A Type VI review is for legislative land use decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. Environmental review is conducted when required. The Planning Commission holds at least one open record public hearing and makes a recommendation to the City Council. The City Council may hold an additional public hearing or hearings at its option. The City Council makes a final decision. The City Council's decision may be appealed to the Central Puget Sound Growth Management Hearings Board. Type VI reviews are exempt from the procedures of Chapter 50, Timeframes for Review.
- (2) Process Flow Chart. The flow chart below generally depicts the process that will be used to review a typical Type VI land use permit. The process may vary for individual permits based on the nature and complexity of the issues involved. This flowchart is therefore provided for general reference only. More detail on each of the steps is provided in Chapter 60, Process Steps and Decision-Makers, and Chapter 80, Notice.



## **60 PROCESS STEPS AND DECISION-MAKERS**

### **60-010 Purpose.**

The purpose of this Chapter is to provide an explanation of each of the procedural steps set forth in the process flow charts in Chapter 50.

### **60-020 Environmental Review under the State Environmental Policy Act (SEPA).**

- (1) All applications shall be reviewed under the State Environmental Policy Act (SEPA) unless categorically exempt under SEPA. The City's environmental procedures are set forth in Chapter \_\_\_\_ of this Code.
- (2) **Threshold Determinations.** The Administrator shall issue the threshold determination after the minimum comment period for the Notice of Application and prior to the decision on the application. The threshold determination shall be mailed and posted in the same manner as the Notice of Application. The threshold determination shall also be sent to agencies with jurisdiction, if any, and the Washington State Department of Ecology. There is a 14-day comment period for certain threshold determinations as provided in WAC 197-11-340. Any comments received shall be addressed in the Technical Committee decision or recommendation on the application, which shall include the final threshold determination (DNS or DS) issued by the Administrator.
- (3) **Optional DNS Process.** For projects where there is a reasonable basis for determining that significant adverse impacts are unlikely, a preliminary DNS may be issued with the Notice of Application. The comment period for the DNS and the Notice of Application shall be combined. The Notice of Application shall state that the City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with its decision or recommendation on the application.
- (4) **Determination of Significance.** If a determination of significance (DS) is issued, and an environmental impact statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board decision or recommendation. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal must be resolved prior to issuance of the Technical Committee/Design Review Board decision or recommendation.

**Neighborhood Meetings.**

The purpose of neighborhood meetings is to:

- Provide a forum for interested individuals to meet with the applicant to learn about the proposal and the applicable process early in the review process;
- Provide an opportunity for meaningful public input;
- Provide a dialogue between the applicant, citizens and City whereby issues can be identified and discussed; and
- Provide an opportunity for applicants to address concerns generated by individuals, and incorporate possible changes.

Required Neighborhood Meeting:

A neighborhood meeting shall be required for the following:

- Essential public facility
- Master planned development
- Preliminary Plat
- Short plats that meet any of the following criteria:
  - propose three or more lots
  - have critical areas on site, or,
  - are forested (75% tree canopy)
- As otherwise required within the zoning code

In addition, the Technical Committee may require a neighborhood meeting on any Type III, IV or V application.

Where a neighborhood meeting is required, it shall be conducted by the applicant within 45 days of the termination of the notice of application comment period. The applicant shall notify the City of the date and time of the meeting. At least *one representative from City staff shall be in attendance. The applicant shall mail notice of the neighborhood meeting to the same individuals to whom notice is required for the Notice of Application, a minimum of 21 days in advance of the meeting. The applicant shall provide the City with an affidavit of mailing. The neighborhood meeting shall be required to take place prior to the Technical Committee decision or recommendation. In certain circumstances, the Technical Committee may choose to hold the neighborhood meeting, in which case the City shall mail the notice of neighborhood meeting as described above. A sign in sheet shall be provided at the meetings.*

Additional Neighborhood Meetings

In order to provide an opportunity for applicants to address concerns generated by interested parties, applicants are encouraged to hold an additional neighborhood

meeting (or meetings), to provide interested parties with additional information, proposed changes to plans or provide further resolution of issues. If the applicant holds additional meetings, there shall be no specific requirements for notice or City attendance. However the City shall make effort to attend meetings where appropriate and when the applicant has notified the City that additional meetings are taking place. Any person attending additional neighborhood meetings who have not established themselves as a party of record, and who wish to do so, must contact the City directly.

**60-040      Director Decisions on Type I Reviews.**

- (1) Type I Decision-Makers. Decisions on Type I applications are made by the applicable department director or designee of the department listed in the Section 50-030.
- (2) Decision Criteria. The decision of the department director shall be based on the criteria for the application set forth in this Code, or in the applicable uniform or international code in the case of building and fire-related permits. The decision shall include any conditions necessary to ensure consistency with the applicable development regulations. The department director may consult with the Technical Committee, the Design Review Board, or the Landmark Commission on any Type I application, but the final decision-making authority on such applications remains with the department director.
- (3) Record. A written record of the director's decision shall be prepared in each case and may be in the form of a staff report, letter, the permit itself, or other written document indicating approval, approval with conditions, or denial. The applicant shall be notified of the final decision. See 20D.150.200-030(7)(a) for decisions on Shoreline Exemptions.
- (4) Appeal. Type I decisions may be appealed to the Hearing Examiner as provided in Section 60-090. All decisions are final upon expiration of the appeal period or, if appealed, upon the date of issuance of the Hearing Examiner's final decision on the appeal. Appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in 60-130.

**60-050      Technical Committee Decisions on Type II Reviews.**

- (1) Decision. Decisions on Type II applications are made by the Technical Committee. The decision of the Technical Committee shall be based on the criteria for the application set forth in the Zoning Code and shall include any conditions necessary to ensure consistency with the applicable development regulations.
- (2) Record. A written record of the Technical Committee's decision shall be prepared in each case and may be in the form of a staff report, letter, the permit itself, or other written document indicating approval, approval with conditions, or denial. The applicant shall be notified of the final decision.

- (3) Design Review Board and Landmark Commission Review. When design review or review of a certificate of appropriateness is required, the decision of the Design Review Board or Landmark Commission shall be included with the Technical Committee decision.
- (4) Appeal. Type II decisions (except shoreline permits) may be appealed to the Hearing Examiner as provided in Section 60-090. All decisions are final upon expiration of the appeal period or, if appealed, upon issuance of the Hearing Examiner's final decision on the appeal. Appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in 60-130.

**60-060 Technical Committee Recommendations on Type III, IV, V and VI Reviews.**

The Technical Committee shall make a recommendation to the Hearing Examiner on all Type III and Type IV reviews, a recommendation to the City Council on all Type V Reviews and a recommendation to the Planning Commission for all Type VI reviews. The Technical Committee's recommendation shall be based on the decision criteria for the application set forth in the Zoning Code and shall include any conditions necessary to ensure consistency with the City's development regulations. Based upon its analysis of the application, the Technical Committee may recommend approval, approval with conditions or with modifications, or denial. A written report of the Technical Committee's recommendation shall be prepared and transmitted to the Hearing Examiner along with the recommendation of the Design Review Board and/or Landmark Commission where applicable.

**60-070 Design Review Board Determinations on Type II, III, IV and V Reviews.**

When design review is required by the Design Review Board, the Design Review Board shall consider the application at an open public meeting of the Board in order to determine whether the application complies with the design standards set forth in \_\_\_\_\_. The Design Review Board's determination shall be given the effect of a final decision on design standard compliance for Type II applications, shall be given the effect of a recommendation to the Hearing Examiner on a Type III, or IV application, and the effect of a recommendation to the City Council on a Type V application. The Design Review Board's determination shall be included with the written report that contains the Technical Committee recommendation or decision. The Design Review Board's determination may be appealed in the same manner as the decision of the applicable decision maker on the underlying land use permit.

**60-080 Landmark Commission Determination/Decisions.**

The Landmark Commission as specified below shall review all applications requiring a Level II or Level III Certificate of Appropriateness and all applications for Historic Landmark Designation.

- (1) When review of a Level II Certificate is required, the Redmond Landmark Commission shall consider the application at an open public meeting using the review process for the application in Section 50-030 in order to determine whether the application complies with

the criteria set forth in Section 70-090 of the Zoning Code and King County Code Chapter 20.62. Based upon its analysis of the application, the Landmark Commission may approve the application, approve it with conditions or modifications, or deny the application. The Landmark Commission's determination shall be included with the written report that contains the Technical Committee recommendation or decision. Conditions based on the Landmark Commission's determination may be appealed to the Hearing Examiner in the same manner as the Technical Committee decision.

- (2) When review of a Level II Certificate of Appropriateness requiring a public hearing (see Section 70-090(4)(b)) or review of a Level III Certificate of Appropriateness is required, the Redmond Landmark Commission shall hold an open record public hearing on the application using a Type III process as provided in Section 60-100. The Landmark Commission shall determine whether the application complies with the criteria set forth in Section 70-090 of the Zoning Code. Based upon its analysis of the application, the Landmark Commission may approve the application, approve it with conditions or modifications, or deny the application. The decision of the Landmark Commission may be appealed to the Redmond City Council in a closed record appeal proceeding pursuant to Section 60-130.
- (3) The King County Landmarks Commission, acting as the Redmond Landmark Commission, shall review and make determinations on all applications for Historic Landmark Designation or removal of a Historic Landmark Designation. When the King County Landmarks Commission reviews a Historic Landmark Designation nomination or the removal of a Historic Landmark Designation, the King County Landmarks Commission will follow the procedures set forth in King County Code Chapter 20.62, including the holding of an open record hearing on the application. Applications shall be decided based on the criteria in King County Code Chapter 20.62. The decision of the King County Landmarks Commission on a Historic Landmark Designation or removal of a Historic Landmark Designation shall be a final decision appealable to the Redmond City Council in a closed record appeal proceeding pursuant to Section 60-130.

**60-090 Appeals to Hearing Examiner on Type I and Type II Permits.**

- (1) Overview. For Type I and Type II permits, the Hearing Examiner acts as an appellate body, conducting an open record appeal hearing when a decision of a department director (Type I) or the Technical Committee (Type II) is appealed. The Hearing Examiner's decision on the appeal may be further appealed to the City Council in a closed record appeal proceeding.
- (2) Commencing an Appeal. Type I and II decisions may be appealed as follows:
  - (a) Who May Appeal. The project applicant or any person who signed in at any public meeting, neighborhood meeting, or requested to be made a party of record prior to the date the decision was issued may appeal the decision.

- (b) Form of Appeal. A person appealing a Type I or II decision must submit a completed appeal form which sets forth:
    - (i) Facts demonstrating that the person is adversely affected by the decision;
    - (ii) A concise statement identifying each alleged error of fact, law, or procedure and the manner in which the decision fails to satisfy the applicable decision criteria;
    - (iii) The specific relief requested; and
    - (iv) Any other information reasonably necessary to make a decision on the appeal.
  - (c) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Redmond Development Services Center no later than 5:00 p.m. on the fourteenth day following the date the decision of the Technical Committee/Design Review Board Decision is issued.
  - (e) Shoreline Permit Appeals must be submitted to the Shoreline Hearings Board. See RCDG 20D.150-200-030(6)(b).
- (3) Hearing Examiner Public Hearing on Appeal. The Hearing Examiner shall conduct an open record hearing on a Type I or Type II appeal. Notice of the hearing shall be given as provided in Section 80-080. The appellant, the applicant and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony and by providing exhibits. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information, provided that the Examiner may allow nonparties to present relevant testimony if allowed under the Examiner's rules of procedure. The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
  - (4) Hearing Examiner Decision on Appeal. Within 21 days after the close of the record for the Type I or II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner shall accord substantial weight to the decision of the department director (Type I) or Technical Committee (Type II). The Hearing Examiner may grant the appeal or grant the appeal with modifications if the Examiner determines that the appellant has carried the burden of proving that the Type I or II decision is not supported by a preponderance of the evidence or was clearly erroneous.
  - (5) Request for Reconsideration. Any party to the appeal who participated in the hearing may file a written request with the Hearing Examiner for reconsideration within 14 calendar days of the date of the Hearing Examiner's decision. The request shall



explicitly set forth alleged errors of procedure or fact. The Hearing Examiner shall act within 14 days after the filing of the request for reconsideration by either denying the request or issuing a revised decision.

- (6) Appeal. A Hearing Examiner Decision on a Type I or Type II appeal may be appealed to the City Council as provided in Section 60-130.

**60-100      Hearing Examiner and Landmark Commission Final Decisions on Type III Reviews.**

- (1) Overview. For Type III reviews, the Hearing Examiner (or the Landmark Commission on Level II Certificates of Appropriateness that require a public hearing under Section 70-090(4)(b)) and on Level III Certificates of Appropriateness) makes a final decision after receiving the recommendation of the Technical Committee and holding an open record public hearing. The Hearing Examiner's (or Landmark Commission's) decision may be appealed to the City Council and considered by the Council in a closed record appeal proceeding.
- (2) Public Hearing. The Hearing Examiner (or Landmark Commission on the applications specified above) shall hold an open record public hearing on all Type III permits. The open record public hearing shall proceed as follows:
- (a) Notice of the hearing shall be given as provided in Section 80-040.
  - (b) Any person may participate in the Hearing Examiner's (or Landmark Commission's) public hearing on the Technical Committee's recommendation by submitting written comments to the Technical Committee prior to the hearing, by submitting written comments at the hearing, or by providing oral testimony and exhibits at the hearing.
  - (c) The Administrator shall transmit to the Hearing Examiner (or Landmark Commission) a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and Notice of SEPA Threshold Determination) have been met.
  - (d) The Hearing Examiner (or Landmark Commission) shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
- (3) Authority. The Hearing Examiner (or Landmark Commission) shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Zoning Code. The applicant bears the burden of proof and must demonstrate that a preponderance of the evidence supports the

conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner (or Landmark Commission) shall deny the application.

- (4) Conditions. The Hearing Examiner (or Landmark Commission) may include conditions to ensure a proposal conforms to the relevant decision criteria.
- (5) Decision. The Hearing Examiner (or Landmark Commission) shall issue a written report supporting the decision within 21 days following the close of the record. The report shall contain the following:
  - (a) The decision of the Hearing Examiner (or Landmark Commission); and
  - (b) Any conditions included as part of the decision; and
  - (c) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
  - (d) A statement explaining the process to appeal the decision of the Hearing Examiner (or Landmark Commission) to the City Council.
- (6) Request for Reconsideration. Any party to the appeal who participated in the hearing may file a written request with the Hearing Examiner (or Landmark Commission) for reconsideration within 14 days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration. The Hearing Examiner shall act within 21 days after the filing of the request for reconsideration by either denying the request or issuing a revised decision.
- (7) Appeal. Except for shoreline conditional use permits or shoreline variances, a Hearing Examiner or Landmark Commission decision may be appealed to the City Council as provided in 60-130. Shoreline conditional use permits and shoreline variances may be appealed to the Shoreline Hearings Board as provided in RCDG 20D.150.200-030(6)(c).

**60-110 Hearing Examiner Recommendations on Type IV Reviews.**

- (1) Overview. For Type IV reviews, the Hearing Examiner makes a recommendation to the City Council after receiving the recommendation of the Technical Committee and holding an open record public hearing. The City Council considers the Hearing Examiner's recommendation in a closed record proceeding.
- (2) Hearing Examiner Public Hearing. The Hearing Examiner shall hold an open record public hearing on all Type IV permits. The open record public hearing shall proceed as follows:
  - (a) Notice of the hearing shall be given as provided in Section 80-040.

- (b) Any person may participate in the Hearing Examiner's public hearing on the Technical Committee's recommendation by submitting written comments to the Technical Committee prior to the hearing, by submitting written comments at the hearing, or by providing oral testimony and exhibits at the hearing.
  - (c) The Administrator shall transmit to the Hearing Examiner a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and Notice of SEPA Threshold Determination) have been met.
  - (d) The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
- (3) Hearing Examiner Authority. The Hearing Examiner shall make a written recommendation to approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Zoning Code. The applicant bears the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall make a recommendation to deny the application.
- (4) Conditions. The Hearing Examiner may include conditions in the recommendation to ensure a proposal conforms to the relevant decision criteria.
- (5) Decision. The Hearing Examiner shall issue a written report supporting the recommendation within 21 days following the close of the record. The report shall contain the following:
- (a) The recommendation of the Hearing Examiner; and
  - (b) Any conditions included as part of the recommendation; and
  - (c) Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
- (6) Mailing of Recommendation. The office of the Hearing Examiner shall mail the written recommendation, bearing the date it is mailed, to each person included in the parties of record. The Administrator will provide notice of the Council meeting at which the recommendation will be considered.
- (7) Request for Reconsideration. Any party of record may file a written request with the Hearing Examiner for reconsideration within 14 days of the date of the Hearing Examiner's recommendation. The request shall explicitly set forth alleged errors of

procedure, law, or fact. No new evidence may be submitted as part of a request for reconsideration. The Hearing Examiner shall act within 21 days after the filing of the request for reconsideration by either denying the request or issuing a revised decision.

- (8) All Hearing Examiner recommendations on Type IV permits shall be transmitted to the City Council for final action as provided in Section 60-140.

**60-120 Planning Commission Recommendations on Type VI Reviews.**

- (1) Overview. For Type VI proposals, the Planning Commission makes a recommendation to the City Council after holding at least one open record public hearing. The Planning Commission may also hold one or more study sessions prior to making the recommendation. The City Council considers the Planning Commission's recommendation and takes final action by ordinance.
- (2) Planning Commission Public Hearing. The Planning Commission shall hold at least one open record public hearing. The hearing shall proceed as follows:
  - (a) Notice of the public hearing shall be given as provided in Section 80-060.
  - (b) Any person may participate in the public hearing by submitting written comment to the applicable department director prior to the hearing or by submitting written or making oral comments to the Planning Commission at the hearing. All written comments received by the applicable department director shall be transmitted to the Planning Commission no later than the date of the public hearing.
  - (c) The Administrator shall transmit to the Planning Commission a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, as required; Notice of SEPA Determination) have been met.
  - (d) The Planning Commission shall record and compile written minutes of each hearing.
- (3) Recommendation. The Planning Commission may recommend that the City Council adopt, or adopt with modifications, a proposal if it complies with the applicable decision criteria in Chapter 70 of this Zoning Code. In all other cases, the Planning Commission shall recommend denial of the proposal. The Planning Commission's recommendation shall be in writing and shall contain the following:
  - (a) The recommendation of the Planning Commission; and
  - (b) Any conditions included as part of the recommendation; and

- (c) Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
- (4) Additional Hearing on Modified Proposal. If the Planning Commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to Section 80-060, the Planning Commission shall conduct a new public hearing on the proposal as modified. The Planning Commission shall consider the public comments at the hearing in making its final recommendation.
- (5) A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the Planning Commission members present and voting.
- (6) All Planning Commission recommendations shall be transmitted to the City Council for final action as provided in Section 60-160.

**60-130 Appeals to City Council on Type I, II, and III Reviews and from King County Landmark Commission Decisions..**

- (1) Overview. Except for shoreline substantial development permits, shoreline conditional use permits and shoreline variances, all decisions of the Hearing Examiner on Type I and II appeals and all decisions of the Hearing Examiner on Type III permits may be appealed to the City Council. All decisions of the Redmond Landmark Commission on Level II Certificates of Appropriateness that require a public hearing, and Level III Certificates of Appropriateness, and all decisions of the King County Landmarks Commission on Historic Landmark Designations and removal of Historic Landmark Designations may also be appealed to the City Council. The City Council will make a final decision on such matters in a closed record appeal proceeding in which no new evidence may be submitted.
- (2) Commencing an Appeal. Hearing Examiner decisions on Type I and II appeals and on Type III permits and decisions of the Redmond Landmark Commission and King County Landmarks Commission on matters described in subsection (1) may be appealed to the City Council as follows:
  - (a) Who May Appeal. The following parties may appeal:
    - (i) The applicant;
    - (ii) The City staff;
    - (iii) In the case of Type I or II decisions, any party who appealed the department director's or Technical Committee's decision to the Hearing Examiner;
    - (iv) In the case of Type III decisions, any person who participated in the public hearing before the Hearing Examiner; and

- (v) In the case of decisions by the Redmond Landmarks Commission or the King County Landmarks Commission specified in subsection (1) above, any person who participated in the hearing before the Commission.
- (b) Form of Appeal. A person appealing a Type I, II, or III decision by the Hearing Examiner or the decisions of the Redmond Landmarks Commission or King County Landmarks Commission described in subsection (1) must submit a completed appeal form which sets forth:
  - (i) Facts demonstrating that the person is adversely affected by the decision;
  - (ii) A concise statement identifying each alleged error of fact, law, or procedure and the manner in which the decision fails to satisfy the applicable decision criteria;
  - (iii) The specific relief requested; and
  - (iv) Any other information reasonably necessary to make a decision on the appeal.
- (c) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Redmond Development Services Center no later than 5:00 p.m. on the fourteenth day following the expiration of the Hearing Examiner's (or Landmark Commission's) reconsideration period.
- (3) Closed Record Appeal Proceeding Before City Council.
  - (a) Notice. Notice of the closed record appeal proceeding shall be given as provided in Section 80-090.
  - (b) Conduct of the Appeal Proceeding.
    - (i) Who May Participate. The applicant, the appellant, the applicable department director, or representatives of these parties may participate in the appeal proceeding.
    - (ii) How to Participate. A person entitled to participate may participate in the appeal proceeding by:
      - (A) Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's rules of procedure; or
      - (B) Making oral argument on the appeal to the City Council at the closed record appeal proceeding.

Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner or Landmark Commissions and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.

- (iii) Hearing Record. The City Council shall make an electronic sound recording of each appeal proceeding.
  - (iv) Testimony. Testimony or other evidence and information not presented to the Hearing Examiner or Landmark Commissions shall not be considered. The decision by the City Council shall be made only on the basis of facts presented at the open record hearing before the Hearing Examiner or Landmark Commissions.
- (c) City Council Decision on Appeal.
- (i) Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant proves that the decision of the Hearing Examiner or Landmark Commission is not supported by a preponderance of the evidence or is clearly erroneous. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner or Landmark Commission.
  - (ii) Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modification to ensure conformance with the criteria under which the application was made.
  - (iii) Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.
  - (iv) Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.
- (4) The City Council's decision on an appeal from the Hearing Examiner on a Type I, II, or III review or the Redmond Landmark Commission or King County Landmarks Commission on those matters specified in subsection (1) is the final decision of the City and (except for shoreline conditional use permits and shoreline variances) may be appealed to the King County Superior Court as provided in Section 60-170.
- (5) Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances must be appealed to the Shoreline Hearings Board. See RCDG 20D.150.200-030(6) (b) and (c).

**60-140 City Council Decisions on Type IV Reviews.**

- (1) Overview. The City Council considers all Hearing Examiner recommendations on Type IV permits in a closed record proceeding. Decisions of the City Council on Type IV permits may be appealed to the King County Superior Court as provided in Section 60-170.
- (2) City Council Decision.
  - (a) The Administrator shall transmit to the City Council a copy of the department file on the application including all written comments received prior to and during the open record hearing and information reviewed by or relied upon by the Hearing Examiner. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and Notice of SEPA Determination) have been met.
  - (b) The City Council shall conduct a closed record proceeding. The City Council shall not accept new information, written or oral, on the application, but shall consider the following in deciding upon an application:
    - (i) The complete record developed before the Hearing Examiner; and
    - (ii) The recommendation of the Hearing Examiner.
  - (c) The City Council shall either:
    - (i) Approve the application; or
    - (ii) Approve the application with modifications; or
    - (iii) Deny the application, based on findings of fact and conclusions derived from those facts which support the decision of the Council.
  - (d) Form of Decision. All City Council decisions on Type IV reviews shall be in writing. All decisions approving a Type IV application shall require passage of an ordinance. Decisions denying Type IV applications shall not require passage of an ordinance. Decisions on Type IV applications shall include:
    - (i) Findings and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, *including any conditions, in the decision on the application.* The City Council may, by reference, adopt some or all of the findings and conclusions of the Hearing Examiner.



- (ii) Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications any conditional use permit, essential public facilities permit, or master planned development application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made. For Zoning Map Amendments that are consistent with the Comprehensive Plan, conditions of approval shall not be included in the ordinance, but shall be included in a separate development agreement approved concurrently with the ordinance.
- (iii) Required Vote. The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council. Decisions to deny a Type IV application shall require a majority vote of those Council members present and voting.

**60-150 City Council Decisions on Type V Reviews.**

- (1) Overview. For Type V reviews, the City Council makes a final decision after receiving the recommendation of the Technical Committee and the recommendation of the Design Review Board (if required) and after holding an open record public hearing. The City Council's decision is appealable to the King County Superior Court as provided in Section 60-170.
- (2) City Council Open Record Public Hearing.
  - (a) Notice. Notice of the City Council's open record public hearing shall be given as provided in Section 80-050.
  - (b) Transmittal of File. The Administrator shall transmit to the City Council a copy of the department file on the application including all written comments received prior to the City Council open record public hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and Notice of SEPA Determination) have been met.
  - (c) Participation. Any person may participate in the City Council public hearing on the Technical Committee's recommendation by submitting written comments to the Redmond Development Services Center prior to the hearing or by submitting written comments or making oral comments at the hearing. The Council shall create a complete record of the open record public hearing including all exhibits introduced at the hearing and an electronic sound recording of the hearing.
- (3) City Council Decision.

- (a) Options. The City Council shall, at the open record public hearing, consider and take final action on each Type V application. The final action may take place in the same meeting as the public hearing, if any. The City Council shall either:
  - (i) Approve the application; or
  - (ii) Approve the application with modifications or conditions; or
  - (iii) Deny the application.
- (b) Form of Decision. The City Council's decision shall be in writing and shall include the following:
  - (i) Findings and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision approving the application or approving the application with modifications or conditions. The City Council may by reference adopt some or all of the findings and conclusions of the Technical Committee.
  - (ii) Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

**60-160 City Council Decisions on Type VI Reviews.**

- (1) Overview. The City Council shall consider and take action on all Planning Commission recommendations on Type VI reviews. The City Council may take action with or without holding its own public hearing. Any action of the City Council to adopt a Type VI proposal shall be by ordinance.
- (2) City Council Action.
  - (a) Notice of City Council Proceeding. Notice shall be provided in accordance with Section 80-100.
  - (b) Initial Consideration by Council. The City Council shall consider at a public proceeding each recommendation transmitted by the Planning Commission. The Council may take one of the following actions:
    - (i) Adopt an ordinance adopting the recommendation, or adopt the recommendation with modifications; or
    - (ii) Adopt a motion denying the proposal; or

- (iii) Refer the proposal back to the Planning Commission for further proceedings, in which case the City Council shall specify the time within which the Planning Commission shall report back to the City Council with a recommendation; or
  - (iv) Decide to hold its own public hearing to take further public testimony on the proposal or in order to consider making a modification of the proposal that was not within the scope of the alternatives that could be reasonably foreseen from the notice of the Planning Commission public hearing provided under Section 80-060.
- (b) **Public Hearing and Decision.** If the Council determines to hold its own public hearing, notice shall be provided and the hearing shall be conducted in the same manner as was provided for the Planning Commission hearing on the proposal. After conducting the public hearing, the City Council shall render a final decision on the proposal as provided in Subsection 60-160((2)(b)(i) or (ii) above.

**60-170      Appeal of Council Decisions on Types I - V Reviews to Superior Court.**

The decision of the City Council on Type I - V permits or reviews is the final decision of the City and may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. No action to obtain judicial review may be commenced unless all rights of administrative appeal provided by the Zoning Code or State law have been exhausted. The petition for review must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW 36.70C.040.

**60-180      Appeal of Council Decisions on Type VI Reviews to Growth Board.**

The action of the City Council on a Type VI proposal may be appealed together with any SEPA threshold determination by filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290. The petition must be filed within the 60-day time period set forth in RCW 36.70A.290(2).

**60-190      Appeal of Shoreline Master Plan Amendments and Decisions.** Appeal of shoreline master plan amendments and decisions must be made to the Shoreline Hearings Board. See RCDG 20F,150.200.

## **70            LAND USE ACTIONS AND DECISION CRITERIA**

**70-010      Purpose.**

The purpose of this chapter is to establish the procedures (if different than the standard review type) and the decision criteria for each development application or special procedure. With the exception of Criteria Applicable to all Land Use Permits in Section 70-020 below, the actions are listed in alphabetical order.

**70-020 Criteria Applicable to all Land Use Permits**

- (1) Purpose. The purpose of this section is to provide general criteria that ensure overall consistency between proposed land use permits and applicable regulations and the Comprehensive Plan.
- (2) Scope. The decision criteria below shall apply to all land use permits.
- (3) Criteria.
  - (a) Consistency. Land use permits are reviewed by the City to determine consistency between the proposed project and the applicable regulations and Comprehensive Plan provisions.
    - (i) A proposed project's consistency with the City's development regulations shall be determined by consideration of:
      - (A) The type of land use;
      - (B) The level of development, such as units per acre or other measures of density;
      - (C) Availability of infrastructure, including public facilities and services needed to serve the development; and
      - (D) The character of the development, such as development standards.
    - (ii) Upon review of a land use permit and accompanying site plan, the decision-maker shall determine whether building design and/or site design complies with the following provisions:
      - (A) RCDG Titles 20A, *Preface and Definitions*, 20B, *Comprehensive Plan*, 20C, *Land Use Regulations*, 20D, *City-Wide Regulations*, and the Appendices that carry out these titles;
      - (B) The provisions of RMC Title 15 that affect building location and general site design;
      - (C) The Washington State Environmental Policy Act (SEPA) if not otherwise satisfied;

- (D) RCDG Title 20F, Administration and Procedures, to the extent it provides the procedures to ensure compliance with the requirements in subsections (a)(ii)(B) and (C) of this section.
- (b) Limitations on Review. During project review, the City shall not re-examine alternatives to or hear appeals on the items identified in subsection (a)(i) of this section, except for issues of code interpretation.
- (c) Burden and Nature of Proof. The burden of proof for demonstrating that the application is consistent with the applicable regulations is on the proponent. The project application must be supported by proof that it conforms to the applicable elements of the City's development regulations, Comprehensive Plan and that any significant adverse environmental impacts have been adequately addressed.

**70-030 Administrative Design Flexibility.**

- (1) Purpose. The purpose of this section is to promote creativity in site design, allow flexibility in the application of standards in certain zones, and to achieve the creation of sites and uses that may benefit the public by the application of flexible standards not otherwise possible under conventional development regulations.
- (2) Scope. Administrative design flexibility shall only be considered for adjusting standards in the categories listed below for each type of land use. Requests for adjustment to standards not listed shall be processed as a variance as set forth in Section 70-310 Variances.
- (3) Process Type. Requests for administrative design flexibility shall be processed and decided as part of the decision on the underlying permit.
- (4) Decision Criteria.
  - (a) Criteria for Projects other than in Downtown or Overlake Districts.
    - (i) Criteria for Non Single Family Projects.
      - (A) Superiority in achieving the Comprehensive Plan neighborhood goals and policies, and superior design in terms of architecture, building materials, site design, landscaping and open space. Projects shall seek to create greater amounts of privacy, maintenance of views, preservation of trees, preservation of historic resources, vegetation and habitat, and provide for adequate security.
      - (B) The applicant must prove that the project meets the criteria outlined above, based on:

- i. Measurable improvements such as an increase in the number of trees saved, increased amount of open space, or increased landscaping area;
  - ii. Objective improvements such as increased solar access or increased privacy; and
  - iii. Conceptual architectural sketches, showing two sketches (with and without administrative design flexibility), indicating the improvement gained by application of the administrative design flexibility.
- (ii) Criteria for Additions or Modifications to Existing Single Family Structures.
  - (A) The modification will not have a significant adverse impact on adjoining property owners;
  - (B) The modification shall not be unduly injurious to property owners in the vicinity or their enjoyment of their property;
  - (C) The request is due to special physical circumstances relating to the size, shape, topography, location or surroundings of the subject property;
  - (D) The project otherwise complies with the requirements of the Zoning Code.
- (5) Residential Flexible Standards. Administrative design flexibility in residential zones is limited to the following development standards:
  - (a) Setbacks. Front, side and rear setbacks may be reduced up to 20 percent in all residential zones, provided that setbacks from Lake Sammamish shall not be eligible for design flexibility. A minimum of 18 feet of driveway shall be provided between the garage, carport, or other fenced parking area and the street property line except when alleys are used for vehicular access.
  - (b) Impervious Surface. In the R-8 through R-20 zones, the impervious surface area can be increased an additional five percent.
- (6) Commercial Flexible Standards. Administrative design flexibility is limited to the Neighborhood Commercial (NC) and General Commercial (GC) zoning districts. Administrative design flexibility is further limited to the following standards:
  - (a) Lot coverage/impervious surface may be increased an additional five percent.

- (b) Minimum building setbacks may be reduced up to 20 percent.
- (7) Business and Manufacturing Park Flexible Standards. Administrative design flexibility is limited to the Business Park (BP), Manufacturing (MP) and Industrial (I) zones. Administrative design flexibility is further limited to the following standards:
  - (a) Lot coverage/impervious surface may be increased an additional five percent.
  - (b) Minimum building setbacks may be reduced up to 20 percent.
- (8) Decision Criteria for Downtown and Overlake.
  - (a) Deviation from standards listed in subsection (b) below may be allowed if an applicant demonstrates that the deviations would result in a development that:
    - (i) Better meets the intent of the goals and policies for the zone in which the site is located;
    - (ii) Is superior in design in terms of architecture, building materials, site design, landscaping and open space; and
    - (iii) Provides benefit in terms of desired use and activity.
  - (b) Standards that may be modified by application of administrative design flexibility in Downtown and Overlake are as follows:
    - (i) Parking Lot Location. Requirements for the location of on-site parking may be modified within the development (except for parking within residential yard areas) to provide for greater joint-use and quasi-public parking opportunities and uses which are highly desirable in the subject design area.
    - (ii) For Downtown, mid-block pedestrian walkways and vehicular lanes, per RCDG 20C.40.105, Downtown Pedestrian System, may be modified to allow variations in locations and minimum widths for these items to provide superiority in site design and function which benefits both the property owner and public.
    - (iii) Street standards for attached dwelling unit subdivision developments.
    - (iv) Other Site Requirements and Standards. All other site requirements and standards except density, number of stories, and FAR may be modified within the development to provide superiority in site design, i.e., greater amounts of privacy, maintenance of views, greater environmental benefit, distinctive and high-quality of design, improved pedestrian access,

preservation of vegetation, provision of usable open space, adequate light, air, and security.

**70-040        Administrative Interpretation**

- (1) Purpose. The purpose of this section is to provide for the interpretation of the Zoning Code. The primary objective of administrative interpretation is to ascertain the intent of the code provision at issue and to give effect to that intent. Administrative interpretation shall not be used to amend or change the code.
- (2) Scope. The Zoning Code shall be interpreted whenever any of its provisions, or the application of such provisions to any specific set of circumstances, is ambiguous, i.e., where the Code is subject to two or more reasonable interpretations.
- (3) Procedures. The Code Administrator shall be responsible for interpreting the provisions of this code, except where expressly provided otherwise. Any interested person may apply for an interpretation of this code. Applications for administrative interpretation are processed as Type I reviews.
- (4) Decision Criteria.
  - (a) The provisions of the Zoning Code shall be considered to be the minimum requirements adopted for the promotion and protection of the public health, safety, and general welfare and all administrative interpretations shall be made in this context.
  - (b) The Zoning Code is not intended to interfere with, abrogate or annul any easements, covenants, or other agreements between parties, except where the agreements may conflict with the enforcement of the Zoning Code.
  - (c) In the case of conflicts between parts of the Zoning Code or between the Zoning Code and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by other authority having jurisdiction within the City, the most restrictive shall govern. In the case of conflicts between the text, maps, and charts of the Zoning Code, the text shall govern unless otherwise stated.
  - (d) Interpretation of the Official Zoning Map shall be as set forth in RCDG 20C.10.15.
  - (e) Interpretation of RCDG Title 20B, Redmond Comprehensive Plan, is to be made recognizing that the boundaries of the plan categories are not exact but illustrate general relationships and locations.
  - (f) Administrative interpretation shall utilize generally recognized principles of statutory and ordinance interpretation adopted by the courts of this state.



**70-050          Alteration of Geologic Hazard Areas**

(1)    Purpose. The purpose of this section is to provide for the construction of streets and/or utilities that are identified on an adopted plan, where no reasonable alternative to locating in landslide hazard areas exists.

(2)    Scope. An Alteration of Geologic Hazard Area is an exception for streets and utilities identified in an adopted plan as of October 1, 1997, (such as the Comprehensive Plan, Capital Facility Plan, Transportation Improvement Plan or other Utility Facility Plan) from strict adherence to the Critical Areas Ordinance as it relates to Class IV Landslide Hazard Areas.

(3)    Decision Criteria.

(1)    Purpose. The purpose of this section is to provide for the construction of streets and/or utilities that are identified on an adopted City plan, where no reasonable alternative to locating in a Class IV landslide hazard area exists.

(2)    Scope. An Alteration of Geologic Hazard Areas is an exception for streets and utilities identified in an adopted plan as of October 1, 1997 (such as the Comprehensive Plan, Capital Facility Plan, Transportation Improvement Plan or Utility Facility Plan) from strict adherence to the Critical Areas Chapter of the Zoning Code as it relates to Class IV Landslide Hazard Areas.

(3)    Decision Criteria.

(a)    There must be no reasonable alternative to locating in a Class IV landslide hazard area. Alternative locations which would avoid impact to the landslide hazard area must be shown to be economically or functionally infeasible.

(b)    A geotechnical evaluation must be conducted to identify the risks of damage from the proposal, both on-site and off-site, and to identify measures to eliminate or reduce risks. The proposal must not increase the risk of occurrence of the potential geologic hazard.

(c)    Impacts shall be minimized by limiting the magnitude of the proposed construction to the extent possible. Any impacts must be eliminated or mitigated by repairing, rehabilitating, restoring, replacing, or providing substitute resources consistent with the mitigation and performance standards set forth in RCDG 20D.140.10-110 and 20D.140.10-120.

**70-060          Archaeological Sites.**

- (1) Purpose. The purpose of this section is to establish procedures for investigating known archeological sites in order to identify recommended excavation and preservation techniques, appropriate mitigation or other appropriate treatment, and further needs for evaluation.
- (2) Scope.
  - (a) This section applies to any person proposing to do any of the following on known archeological sites, and all sites that have a high probability of containing archeological artifacts:
    - (i) Filling, grading, compacting, blasting, boring, tunneling, or any form of earthwork or disturbance; or
    - (ii) Excavating or mining; or
    - (iii) Excavation of artifacts; or
    - (iv) Paving or otherwise covering of the earth surface with such materials as concrete; or
    - (v) Planting or farming; or
    - (vi) Erecting a structure; or
    - (vii) Any other activity that may harm or disturb an archeological site.
  - (b) This section also applies to persons who discover sites during the course of other development or land use activity.
- (3) Procedures, Known Archaeological Sites or High Probability Archaeological Sites.
  - (a) If the administrator has or is presented with reliable and credible information that the site is a known archeological site or that it has a high probability of containing archeological artifacts, no land use actions or activities as described in Section 70-060(2), Scope, shall occur unless approval is granted under this section.
  - (b) The administrator shall set forth the submittal requirements necessary for an application for Review of Impacts to Archeological Sites. The application shall be processed concurrently with any other required permit or approval.
  - (c) The applicant shall have a qualified archeologist, as approved by the Administrator, prepare a site study to determine the effect that any proposed action may have on the archeological site and recommend necessary treatment and mitigation measures.

- (d) The investigation and written report by the approved archeologist shall include information about the probable significance of the site, the probable effect of the land use action or activity on the integrity of the site, and a set of recommendations for any necessary treatment or mitigation measures. This investigation and report shall include but not be limited to the following:
    - (i) The boundaries of the archeological site. If the boundaries of the archeological site are found to be outside the areas of the proposed project activities (i.e., critical areas proposed for buffers) the investigation and report shall be deemed complete with this information together with information in subsections (A) through (D) of this section.
      - (A) A description of the archeological features and of the depth and characteristics of any artifacts unearthed during the course of investigation.
      - (B) The impacts that the proposed construction or use are likely to have on the site.
      - (C) Recommendations for measures to interpret and protect the site as appropriate to standard archeological practice.
      - (D) If based on the analysis construction is conditionally recommended, a description of any areas to be monitored during construction.
  - (e) The Administrator shall make a determination based on the investigation whether the work can proceed, and, if so, under what conditions.
  - (f) If the appropriate living relatives or related cultural groups are known or discovered during the course of investigation they shall be notified within 15 days of the time of application or within 15 days of the time that the Administrator is notified of the discovery.
  - (g) Final Decision. Decisions of the Administrator under this section shall be made using the Type I review process.
- (4) Procedures, Incidental Discovery of Archaeological Sites. If archeological artifacts or evidence is unearthed or exposed in the course of a project, the find shall be reported immediately to the Administrator. The project shall be halted and a qualified archeologist shall be called in to investigate and recommend preservation, further evaluation, excavation and appropriate mitigation or other appropriate treatment of the site following the procedures in Section 70-060(3), Procedures, Known Archeological Sites or High Probability Archeological Sites.

**70-070 Binding Site Plan.** The decision criteria for binding site plans are found in Section \_\_\_\_ of the Zoning Code

**70-080 Boundary Line Adjustment.** The decision criteria for boundary line adjustments are found in Section \_\_\_\_ of the Zoning Code.

**70-090 Certificate of Appropriateness.**

(1) Purpose. The purpose of a Certificate of Appropriateness is to ensure against the loss of the historic significance of a designated historic landmark. Further, it ensures that prior to consideration of a demolition that alternatives have been explored and that mitigation, if appropriate, is required.

(2) Scope.

(a) Unless exempted by Section 70-090(3), Exceptions, a Certificate of Appropriateness shall be required prior to any of the following taking place: Any alteration that would affect a significant feature of a designated historic landmark, any addition to a designated historic landmark; moving a designated historic landmark, or demolition of a designated historic landmark.

(b) Where a recognized religious group owns a site or structure and uses that site or structure for worship or religious education, the decision on a Certificate of Appropriateness shall be advisory.

(3) Exceptions. A Certificate of Appropriateness shall not be required for the following:

(a) Ordinary repairs and maintenance to designated historic landmarks that do not alter the appearance of a significant feature and do not use substitute materials. Ordinary repair shall include painting to match the original color or a color consistent with the integrity of the historic landmark and applied in a manner that protects significant features.

(b) Emergency repair work necessary to prevent destruction or dilapidation to real property or parts of a structure that are immediately threatened or damaged by fire, flood, earthquake, or other disaster.

(c) Normal excavations of new graves in a cemetery.

(d) Interior improvements or alterations made in order to accommodate the needs of a tenant or different use that:

(i) Do not affect a significant feature; or

(ii) Do not alter or obscure from view a significant feature; or

- (iii) During the course of construction, remove, catalog, and restore the original feature in the original location; or
  - (iv) Do not use substitute materials.
- (4) Procedure. The following procedures shall be established for the actions listed in Section 70-070(2). The level of review shall depend upon the action requested. The levels have been established based on the potential of the action to affect the historic landmark.
  - (a) Level I Certificate of Appropriateness shall apply to restorations and repairs which utilize identical materials except repair exempted by Section 70-090(3), Exceptions, for new or replacement signs, and for minor utility system changes.
  - (b) Level II Certificate of Appropriateness shall apply to additions, for replacement of historic materials with alternate materials, or for painting or covering historic materials or surfaces except painting exempted by Section 70-090(3), Exceptions. Should the Landmark Commission and the applicant agree in writing to a proposal for this work, an agreed certificate may be issued following a Type II permit process. If such an agreement cannot be reached, a hearing may be held under a Type III permit process.
  - (c) Level III Certificate of Appropriateness shall apply to demolitions, in whole or in part, or for filling, grading, or excavation on or to an archeological site, paving or building in or over an archeological site, or moving a structure.
  - (d) Evaluation of Economic Impact for Demolitions. At the time of application, the property owner, or a person authorized by the owner, may request consideration of evidence pertaining to the economic impact on the owner of a denial or a partial denial of a Certificate of Appropriateness. The application submitted shall include documentation as set by the Administrator. In no case shall a certificate be denied, in whole or in part, when it is established that the denial or partial denial will deprive the owner of a reasonable economic use of the landmark given the following:
    - (i) There is no viable and reasonable alternative that would have less impact on the features of significance; and
    - (ii) Moving the resource has been evaluated as an alternative; and
    - (iii) That the economic analysis showed that the use of all available incentives would not change the economic impact to the owner.
- (5) Decision Criteria. The Administrator or the Landmark Commission shall use the Secretary of the Interior's Standards for the Treatment of Historic Properties together

with generally accepted preservation practices as guidance in making decisions concerning a Certificate of Appropriateness.

**70-100 Comprehensive Plan Map and/or Policy Amendment.**

- (1) Purpose. The purpose of this section is to provide a mechanism to allow modifications to the City's Comprehensive Plan Map or policies.
- (2) Procedure. The Growth Management Act, RCW 36.70A, provides that comprehensive plan amendments can occur no more than once a year with limited exceptions. For any given year, a due date is assigned for receiving applications. Applications received after the due date will be added to the comprehensive plan docket and considered for the following year's amendments. All Comprehensive Land Use Plan Map amendments shall also be accompanied by concurrent Zoning Map amendments.
- (3) Amendment Criteria. Redmond Comprehensive Plan Policy PI-16 sets out the following comprehensive plan amendment criteria:
  - (a) Consistency with the Growth Management Act (GMA), the State of Washington Department of Commerce Procedural Criteria, and the King County Countywide Planning Policies (CPPs);
  - (b) Consistency with the Comprehensive Plan policies and the designation criteria;
  - (c) Consistency with the preferred growth and development pattern in Section B of the Land Use Element of the Comprehensive Plan;
  - (d) The capability of the land including the prevalence of sensitive areas;
  - (e) The capacity of public facilities and whether public facilities and services can be provided cost-effectively at the intensity allowed by the designation;
  - (f) Whether the allowed uses are compatible with nearby uses;
  - (g) If the purpose of the amendment is to change the allowed use in an area, the need for the land uses that would be allowed by the Comprehensive Plan amendment and whether the amendment would result in the loss of the capacity to meet other needed land uses, especially whether the proposed amendment complies with the policy on no net loss of housing capacity; and
  - (h) For issues that have been considered within the last four annual updates or Comprehensive Land Use Plan amendments, whether there has been a change in circumstances that makes the proposed plan designation or policy change appropriate or whether the amendment is needed to remedy a mistake.

- (5) Exemptions. Changes in the organization, format, appearance, profiles, narrative, illustrations, examples or other non-material changes to the Comprehensive Plan may be made by the Department of Planning and Community Development and are exempt from this section. Amendments to facility plans for City-managed utilities shall follow those procedures described in Utilities Element of RCDG Title 20B, Redmond Comprehensive Plan.
- (6) Approval by Ordinance. All amendments shall be approved by ordinance by the Redmond City Council.

#### **70-110 Conditional Use Permit**

- (1) Purpose. The purpose of this section is to establish the criteria that the City will use in making a decision upon an application for a conditional use permit. A conditional use is use which may be appropriate on a specific parcel of land within a given zoning district under certain conditions, but which is not appropriate on all parcels within the same zoning district. A conditional use permit allows the City to consider the appropriateness of the use on a specific parcel in terms of compatibility with other uses in the same zone and vicinity and to impose conditions to ensure such compatibility.
- (2) Scope. A Conditional Use Permit shall be required for any land use designated as requiring a Type IV process in the applicable permitted use chart, unless otherwise noted in the chart.
- (3) Phasing. A project may be developed in phases, if more than three years have lapsed since final approval of the project, uncompleted divisions shall be subject to the current City standards.
- (4) Decision Criteria. The City may approve or approve with modifications the conditional use only if the applicant demonstrates that:
  - (a) The conditional use is consistent with the Zoning Code and the Comprehensive Plan;
  - (b) The conditional use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
  - (c) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

- (d) The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses minimize unusual hazards or characteristics of the use that would have adverse impacts;
- (f) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- (g) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions are established to mitigate adverse impacts on such facilities;

**70-120 Critical Areas Reasonable Economic Use Exception-Private Property**

- (1) Purpose. The purpose of this section is to provide a mechanism to allow relief from the Critical Areas Ordinance regulations when strict adherence to such regulations would deny all reasonable economic use of private property. In such cases, the applicant may seek a reasonable use exception from the standards of the Critical Areas regulations of this code.
- (2) Scope. Any person seeking relief from strict adherence to the standards and regulations of Chapter 20C.40 RCDG, Critical Areas, for private property, may apply for a Reasonable Economic Use Exception. If an applicant demonstrates to the satisfaction of the Hearing Examiner that strict application of these standards would deny all reasonable economic use of the property, development may be permitted subject to appropriate conditions.
- (3) Decision Criteria. An applicant seeking relief from the strict application of Chapter 20C.40 RCDG, Critical Areas, shall demonstrate the following:
  - (a) No reasonable economic use with less impact on the sensitive area and the buffer is feasible and reasonable; and
  - (b) There is no feasible and reasonable on-site alternative to the activities proposed, considering possible changes in site layout, reductions in density and similar factors. The application for an exception shall include an analysis of whether there is any practicable on-site alternative to the proposed development with less impact, including other allowed uses, reduction in density, phasing of project implementation, change in timing of activities, revision of lot layout, or related site planning considerations that would allow a reasonable use with less adverse impacts to the critical area; and
  - (c) The proposed activities, as conditioned, will result in the minimum possible impacts to affected critical areas; and



- (d) The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the public interest; and
- (e) All reasonable mitigation measures have been implemented or assured; and
- (f) Any development permitted in the critical area is the minimum necessary to allow for reasonable economic use of the property; and
- (g) The inability to derive reasonable economic use is not the result of the applicant's actions.

**70-130 Critical Areas Reasonable Use Exception-Public Project**

- (1) Purpose. The purpose of this section is to provide a mechanism for allowing relief from the Critical areas regulations when such regulations would prohibit the construction of a public project. In such cases, the public agency may seek a reasonable use exception.
- (2) Scope. Any public agency seeking relief from strict adherence to the standards and regulations of Chapter 20D.140, Critical Areas for construction of a public project may apply for a Reasonable Use Exception. Requests for relief from 20D.140.60-040, Landslide Hazard Areas, shall apply for an Alteration of Geologic Hazard Areas as noted in section 70-050, Alteration of Geologic Hazard Areas. If the public agency or City department demonstrates to the satisfaction of the Technical Committee that strict application of these standards would deny construction of a public project, the project may be permitted subject to appropriate conditions.
- (3) Decision Criteria. The public agency or appropriate City department proposing the public project shall demonstrate the following:
  - (a) There is no feasible and reasonable on-site alternative to the activities proposed. The application for an exception shall include an analysis of whether there is any practicable on-site alternative to the proposed development with less impact, including: reduction or revision of project scope, phasing of project implementation, change in timing of activities, or related site planning considerations that would allow a project design with less adverse impacts to the critical area; and
  - (b) The proposed public project, as conditioned, will result in the minimum possible impacts to affected critical areas; and
  - (c) The proposed public project does not pose an unreasonable threat to the public health, safety or welfare on or off the project site and is consistent with the public interest; and
  - (d) All reasonable mitigation measures have been implemented or assured; and

- (e) Any development permitted in the critical area is the minimum necessary to construct and operate the public project.
- (4) The public agency or appropriate City department shall provide an analysis of mitigation opportunities in order to evaluate whether the proposal minimizes the impact on the critical area.
  - (5) If a public project cannot be constructed without modification of required setbacks, building height and/or lot coverage limits, buffers, and landscape widths, the public agency or Department shall modify the fixed regulations only to the extent necessary to allow construction of the public project while providing as much critical area protection as is possible under the circumstances and while maintaining appropriate public health and safety standards. Such modifications shall only be allowed upon obtaining the applicable land use permit such as a variance or administrative design flexibility.
  - (6) Adequate mitigation and monitoring shall be required to address the adverse impacts on critical areas and their ecological functions and values of any modification of the required regulations under this provision.
  - (7) Any public project requiring a reduction of the standards applicable within a critical area in order to provide the necessary public project shall be located as far from the critical area as practical. Total building coverage and all other impervious surfaces shall be minimized, as appropriate, to limit intrusion into the critical area.
  - (8) The public project shall use, to the maximum extent possible, the best available construction, design, and development techniques that result in the least impact to ecological functions and values of the critical area.
  - (9) Any net loss of function of the critical area on the site and adverse impacts to wetland or riparian stream corridor functions upstream or downstream from the site shall be minimized to the maximum extent practicable.

#### **70-140          Development Agreement**

- (1) Purpose. The purpose of this section is to provide a mechanism whereby developers and the City can be certain that upon approval a project may proceed in accordance with existing policies and regulations and that public facilities and services will be adequate to serve existing and new development at such time as development occurs. Development agreements are authorized by RCW 36.70B.170, *et seq.*
- (2) Scope. Any person having ownership or control of real property within the City desiring to enter may apply for a development agreement in order to set forth the development standards and other provisions that will apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

- (3) Decision Criteria. A development agreement may be entered into if the following criteria are met:
- (a) The agreement must be consistent with the applicable development regulations for the property;
  - (b) All impacts of the development must be mitigated by the measures set forth in the agreement or the agreement must provide a mechanism for analyzing and mitigating such impacts as they occur;
  - (c) The agreement must reserve the City's authority to impose new or different regulations to the extent required by a serious threat to public health and safety;
  - (d) The duration of the agreement must be reasonable in light of the anticipated build-out period for the proposed development and the needs of the City; and
  - (e) The agreement must be in the public interest and provide a public benefit.

**70-150 Essential Public Facilities.**

- (1) Purpose. The purpose of this section is to, as required by State law, provide a process to site necessary public uses that may otherwise be difficult to site. This process also provides for greater involvement of the community and identifies and minimizes adverse impacts. Essential public facilities are defined in RCDG 20A.20.50, Definitions.
- (2) Scope. This section establishes the criteria that the City will use in making a decision upon an application for an essential public facility. This section provides an alternative process for permitting those uses which qualify as essential public facilities under the criteria set forth below. A proposal may be reviewed as an essential public facility under this section when the applicant makes a written request for such review to the Administrator, or when the Administrator requires that a proposal be reviewed as an essential public facility. A proposal qualifies as an essential public facility when:
  - (a) The facility meets the definition of Essential Public Facility
  - (b) The facility is a type difficult to site because of one of the following:
    - (i) The facility needs a type of site of which there are few sites,
    - (ii) The facility can locate only near another public facility,
    - (iii) The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site, or
    - (iv) The facility is of a type that has been difficult to site in the past;

- (c) There is need for the facility and Redmond is in the facility service area.
- (3) Procedure. Applications that seek approval for an essential public facility shall follow the procedures established in Section 50-090 for a Type IV permit process. In addition to the decision criteria described in Section 70-150(5), secure community transition facilities shall also be consistent with paragraph 7 of this section.
- (4) Review Process-Alternative Sites/Public Involvement.
  - (a) An applicant may have one or more alternative sites considered at the same time during this process.
  - (b) The Administrator has the authority to require the consideration of sites outside the City of Redmond, except where the facility is a state or regional facility for which a siting decision has already been made.
  - (c) A public involvement process shall be required. The purpose of the public involvement process is to involve the persons within the zone of likely and foreseeable impacts, and to assist in the development of potential incentives or modifications which would make siting of that facility more acceptable.
    - (i) The applicant shall propose an acceptable public involvement process to be reviewed and approved by the Administrator.
    - (ii) Public involvement activities shall be conducted by and paid for by the applicant.
    - (iii) The public involvement process shall be initiated by the applicant as early as feasibly possible.
  - (d) The Administrator may require a multi-jurisdictional review process if the facility serves a regional, Countywide, Statewide, or national need, if such a process has not been conducted prior to submittal of the application. If this process is required, the applicant shall design an acceptable process to be reviewed and approved by the Administrator. If such a process has already been conducted, no additional multi-jurisdictional process will be required. Applicants shall be required to pay for any process conducted. This requirement is not applicable to secure community transition facilities.
  - (e) An analysis of the facility's impact on City finances shall be undertaken.
- (5) Decision Criteria

- (a) Except where the facility is a state or regional facility for which a siting decision has already been made, alternative sites covering the service area of the proposed facility must be considered and the site proposed must be the most appropriate site taking into consideration the requirements of the facility and the impacts on surrounding uses and the environment;
  - (b) A determination must be made that there is a public need for the facility, unless the facility is a state or regional facility for which need has already been established;
  - (c) The impact of the facility on the surrounding uses and environment, the City and the region must be minimized;
  - (d) Conditions and/or mitigation measures relative to the design and/or operation of the facility must be identified and imposed to make the facility compatible with the surrounding uses and the environment to the extent practicable.
  - (e) A package of incentives must be developed that would make siting the facility within the community more acceptable;
  - (f) a determination must be made as to whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment, except where the facility is a state or regional facility for which a siting decision has already been made;
  - (f) The proposal shall comply with any applicable mitigation measures identified in the financial impact analysis.
  - (g) The proposed facility must be consistent with the Redmond Comprehensive Plan, unless the Comprehensive Plan would preclude the location of such facilities anywhere within the City;
  - (h) The facility must comply with any applicable State siting and permitting requirements.
  - (i) Alternative sites shall cover the service area of the proposed facility. This criteria is not applicable to secure community transition facilities.
- (6) The City shall not deny or condition an essential public facility in such a manner as to preclude the siting or expansion of any state or regional essential public facility in the City. In the event that a state or regional essential public facility cannot, by the imposition of reasonable conditions of approval, be made to meet the criteria in subsection (5) above, the City shall approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may allow the essential public facility to meet the criteria to the maximum extent practicable.

(7) Secure Community Transition Facilities.

- (a) Purpose and Intent. The purpose and intent of requiring standards for secure community transition facilities (SCTFs) is to comply with Chapter 71.09 RCW, while maintaining compatibility with other land use and services permitted within the City.
- (b) Applicability. The standards in this section apply to all SCTFs, and are not subject to variance. These standards are in addition to the general standards applicable to essential public facilities found elsewhere in this section 70-150.
- (c) Siting Criteria.
  - (i) SCTFs should be located near transit facilities, where practical.
  - (ii) SCTFs are only permitted in the areas designated on the Secure Community Transition Facilities Permitted Locations Map, adopted by this reference and set forth as paragraph (f) of this section.
  - (iii) No SCTF shall be permitted to locate within one mile, as measured nearest property line to nearest property line, from any existing SCTF, work release, pre-release, or similar facility, as defined in RCW 71.09.250(8).
- (d) On-Site Facilities Required. Each SCTF shall have the capability to provide on-site dining, on-site laundry or laundry service, and on-site recreation facilities to serve the residents.
- (e) Application materials. In addition to the regular application materials required for land use review, an application for an SCTF shall also include:
  - (i) A description of the siting process used for the SCTF, including alternative locations considered;
  - (ii) An analysis showing that consideration was given to potential sites such that the siting of the facility will not result in a concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.
  - (iii) Proposed mitigation measures, including the use of buffering from adjoining uses;
  - (iv) A general overview of planned security for the facility; and
  - (v) A schedule and analysis of all public input solicited or to be solicited during the siting process.

(f) Secure Community Transition Facilities Permitted Locations Map

**70-160 Final Plat.** The decision for Final Plats are found in Section \_\_\_\_ of the Zoning Code.

**70-170 Historic Landmark Designation**

- (1) Purpose. The purpose of this section is to establish the procedures to nominate and remove a property from the Redmond Heritage Resource Register.
- (2) Scope. This division applies to any historic property with potential for listing or properties on the current Redmond Heritage Resource Register that have either suffered a substantial loss of their significant features or have been destroyed.
- (3) Nomination Procedure. The City of Redmond, any person, group, owner, or member of the Landmark and Heritage Commissions may nominate a structure, object, or site to be a historic landmark. Except for properties listed in the Comprehensive Plan as key historic landmarks, the owner must sign the application for nomination. The applicant shall file an application for designation as a historic landmark with the Administrator. The application submittal requirements and the procedure to be followed are set forth in King County Code Chapter 20.62.
- (4) Historic Landmark Designation Criteria.
  - (a) Designation criteria are set forth in King County Code Chapter 20.62.
- (5) Procedure for Removal of Historic Landmark Designation. Any site, structure, or geographic area may be removed from designation if it has either suffered a substantial loss of significant features or has been destroyed. Removal of designation shall follow the procedures established in King County Code Chapter 20.62.
- (6) Criteria for Removal of Historic Landmark Designation.
  - (a) The significant features of the landmark have suffered irreparable loss due to circumstances other than neglect such that the landmark no longer complies with the designation criteria in Section 70-170(4), Historic Landmark Designation Criteria; or
  - (b) The structure was destroyed by accident or natural disaster; or
  - (c) The owner of the structure obtains a Certificate of Appropriateness for demolition due to reasons of economic impact, and subsequently demolishes the structure.

**70-180 Home Business**

- (1) Purpose. The purpose of the home business regulations is to allow for limited commercial activity within residences while ensuring that all commercial activity remains

incidental to the residential use and does not interfere with the residential character of the neighborhood through noise, traffic, safety hazards, or other public nuisances that may be generated.

- (2) **Applicability.** Home businesses are allowed in all residential zones of the City as an accessory use to an existing dwelling unit. A business license shall be required for all home businesses. In addition, the Planning Director may impose conditions to mitigate any potential adverse impacts on surrounding uses and may consider the need to limit the hours of operation of a home business.
- (3) **Requirements.** The following standards shall apply to all home businesses. An applicant wishing to apply for a business license for a home business must demonstrate compliance with these standards prior to obtaining a business license.
  - (a) **Location.** A home business shall be carried on wholly within the principal building or within an accessory structure. No home business nor any storage connected with a home business shall be allowed outside of the principal building or accessory structure, except as allowed for family day care providers. Where an accessory dwelling unit exists, a home business may be conducted in either the primary dwelling unit or the accessory dwelling unit, but not both.
  - (b) **Number.** Any number of home businesses may be conducted within any single dwelling unit, including an accessory dwelling unit and all accessory structures, provided that the combined impacts of any and all businesses do not exceed the limits set forth in this section.
  - (c) **Size.** No more than 25 percent of the gross floor area of the principal dwelling unit may be used for the home business. In the case of home businesses being conducted within accessory structures or detached accessory dwelling units, there shall be no size restriction placed upon the usable area for the home business.
  - (d) **Residency.** A home business must be conducted by a family member who resides in the dwelling unit. Floor space in either the primary dwelling unit or an accessory structure may not be rented out to persons not residing within the primary dwelling unit or accessory dwelling unit for business purposes. No more than one person outside the family group that resides on the premises shall engage in any business located on the premises.
  - (e) **Restricted Materials.** No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site.
  - (f) **Maintaining Residential Character.** The business shall be conducted in a manner which will not alter the normal residential character of the premises by exterior alteration of the property, expansion of parking, construction, creation of a separate entrance, the use of color, materials, lighting, signs (other than on the



applicant's vehicle), exterior storage of materials, goods or merchandise, or by the emission of sound, electric interference, vibration, dust, glare, heat, smoke, odors or liquids.

- (g) Business Traffic. Visitors, customers, and/or deliveries shall be limited to two per hour. In any case, no combination of visitors, customers, and/or deliveries may exceed a total of eight per day.
- (h) Vehicles. Vehicles larger than 10,000 pounds gross weight shall not be operated out of the premises or park on the property or adjacent streets. No more than one vehicle used in the business may be parked on the premises or operated out of the premises.
- (i) Parking. The home business shall not displace or impede the use of required parking spaces for primary or accessory dwelling units.
- (j) Utility Demand. Utility demand (water, sewer, or garbage) shall not exceed normal residential levels.
- (k) Applicable Codes. Structures must meet City building, construction, fire and land use regulations.
- (l) Motor Vehicle-Related Home Businesses.
  - (i) Office-only activities for motor vehicle-related uses may be allowed as home businesses, provided all other requirements of this section are met.
  - (ii) Office-only motor vehicle-related home businesses and stock-in-trade within the residence may be allowed, provided that the following activities related to the office use are performed at other locations: washing and waxing, paint striping and detail application, window repair or replacement, and repairing and tuning of boats.
  - (iii) Except as provided in subsections (3)(i) and (3)(ii) of this section and for businesses legally licensed as such within the City of Redmond as of June 14, 1995, no motor vehicle-related businesses shall be allowed as home businesses, including, but not limited to: auto, truck, or heavy equipment repair; body work, welding, detailing, or painting; or taxicab, van shuttle, limousine, or other transportation services.
- (m) Family Day Care Providers.
  - (i) Family day care providers are permitted as home businesses. All other day care providers are prohibited in all residential zones except the R-20 and R-30 zones.

- (ii) Family day care providers shall obtain a business license and maintain the City of Redmond license as long as the use operates.
- (iii) The family day care provider shall not care for more than 12 children at any time.
- (iv) Family day care facilities are required to adhere to all standards prescribed in this section for home businesses, except that:
  - (A) Family day care facilities are exempt from the limitations on business traffic to and from the facility as specified in subsection (g) of this section
  - (B) The amount of gross floor area within the principal dwelling unit that may be devoted to the family day care business shall be the minimum number of square feet required by the State, or 25 percent of the total gross floor area, whichever is the greater.
  - (C) Family day care providers may have two additional employees on the premises at a time outside the family group that reside on the premises engaged in the family day care home business.
- (v) Family day care providers may operate from 5:30 a.m. to 9:00 p.m.
- (vi) Family day care providers shall comply with all building, fire, safety, and health codes.
- (v) Family day care providers shall obtain all required state approvals. The State shall certify that the proposed family day care provider will have a safe passenger-loading area. The family day care provider shall provide the City with a copy of the state license.

**70-190 Master Planned Development.**

- (1) Purpose. The purpose of this section is to provide a mechanism to allow the master planning of sites where development is proposed to occur in phases, where coordination of public facilities is needed, when a master plan is needed to determine how best to develop the area, when a master plan is needed to integrate various uses, or when multiple ownerships are to be coordinated into a unified development. The MPD process establishes conditions of approval for all concurrent and subsequent development applications and thereby ensures that infrastructure, public services, and open space and recreation areas will be provided in a timely manner and be tailored to the MPD site. The MPD process also provides long-term guidance for a large area so that the continuity of development is maintained.
- (2) Applicability. MPDs are:

- (a) Allowed in all zones for projects encompassing at least three acres (for multi-family, commercial, and mixed use) or 50 dwelling units (for single-family);
  - (b) Required in the Overlake Village Subarea for all projects encompassing at least three acres;
  - (c) Optional in the Overlake Village Subarea for projects encompassing less than three acres;
  - (c) Required in the East Lake Sammamish Valley area pursuant to RCDG 20C.70.40-020; and
  - (d) Required in the Southeast Redmond neighborhood pursuant to RCDG 20C.70.45-010.
- (3) Scope of Approval. The MPD approval shall constitute a limitation on the use and design of the site.
- (a) Approval Time Frame for MPDs Located in the Overlake Village Subarea and for MPDs Greater than 10 Acres Located in Downtown. Development plans may include multiple phases to be developed successively over a period of no more than 10 years. If after 10 years uncompleted phases remain, the applicant may request of the Technical Committee one extension of no more than five years. The Technical Committee may grant the extension if the applicant demonstrates economic hardship, change of ownership, unanticipated construction and/or site design problems, or other circumstances beyond his/her control determined acceptable by the Technical Committee. The MPD approval shall expire no more than 15 years from the original approval.
  - (b) Approval Time Frame for All Other MPDs. Development plans may include multiple phases to be developed successively over a period of no more than five years. If after five years uncompleted phases remain, the applicant may request of the Technical Committee one extension of no more than five years. The Technical Committee may grant the extension if the applicant demonstrates economic hardship, change of ownership, unanticipated construction and/or site design problems, or other circumstances beyond his/her control determined acceptable by the Technical Committee. The MPD approval shall expire no more than 10 years from the original approval.
  - (c) MPD and Subdivision. An MPD that requires platting shall not receive final plat approval until the City has granted an MPD approval.
  - (d) Approval Process. The approval process includes the City's review and consideration of the general project concept, including its intensity and overall design. Each land use permit associated with the MPD would then relate to

specific site and development requirements as defined by the approval and the Zoning Code.

- (4) Procedures. MPDs shall be processed using the following procedures:
- (a) MPDs in the Overlake Village Subarea that are larger than 3 acres in size shall follow a Type V process as set forth in Section 50-100. Applicants shall host a *neighborhood meeting to gather public input prior to the applicant making a formal application for the underlying land use permit.*
  - (b) MPDs in the Downtown district, that are larger than 10 acres shall follow a Type V process described in Section 50-100.
    - (i) A recommendation from the Design Review Board shall be required.
    - (ii) A neighborhood meeting to gather public input shall be held prior to the applicant making a formal application for the underlying land use permit.
    - (iii) MPD approval extensions, and MPD amendments that meet the criteria for administrative modifications, shall be reviewed under 90-030, Administrative Modifications.
  - (c) All other master planned developments shall follow the process that is followed for the underlying land use permit. For example, an MPD that accompanies a site plan entitlement would follow a Type II process.
    - (i) A neighborhood meeting to gather public input shall be held prior to the applicant making a formal application for the underlying land use permit.
    - (ii) MPD approval extensions, and MPD amendments that meet the criteria for administrative modifications, shall be reviewed under Section 90-030, Administrative Modifications.
- (5) Decision Criteria. Master planned developments shall meet the following criteria:
- (a) All elements of the MPD shall support and be consistent with the Zoning Code and all applicable Comprehensive Plan policies.
  - (b) MPDs proposed in the Overlake Village Subarea shall be consistent with the Overlake Village Master Plan and Implementation Strategy and shall include the items listed in (c) below in addition to the following:
    - (i) A height and bulk study that demonstrates how building mass, height and scale relate to open spaces, pedestrian pathways, streets and other buildings

- (ii) An analysis of shading effects of taller buildings (for sites smaller than three acres, only required if the Technical Committee or Design Review Board determine based upon the height and bulk study that analysis of shading effects is needed).
  - (iii) Phasing plan for bonus features and affordable housing component showing that the completion of improvements of bonus features and affordable housing shall be commensurate with the progress on the construction of the development (for sites smaller than three acres, only required if the Technical Committee determines necessary)
- (c) All MPDs shall include the items listed below:
- (i) A design concept that is in conformance with all applicable Comprehensive Plan policies and development regulations;
  - (ii) Conceptual site plan indicating all proposed land uses;
  - (iii) Transportation and circulation plan indicating the layout and conceptual design of all streets, pedestrian pathways, parking, and location of transit facilities (as available), in plan view and cross section for streets (cross sections only required for projects in the Downtown);
  - (iv) Location of proposed space for parks, open space and any cultural facilities;
  - (v) Phasing plan describing anticipated time frames for development, and showing that completion of affordable housing shall be commensurate with the progress on the construction of the development;
  - (vi) Location of any environmentally sensitive areas;
  - (vii) Landscape and tree retention concepts, including consideration of the health and structural stability of retained trees, as determined by an arborist report;
  - (viii) Preliminary plan indicating required connections to adjacent properties for transportation and open space systems;
  - (ix) Overall approach to sustainable design, including consideration of the use of environmentally sustainable materials such as permeable pavement, where possible; and
  - (x) Preliminary plan for other major infrastructure improvements (may be waived by the Technical Committee for sites in Overlake smaller than three acres).

- (d) The master plan must comply with all site requirements or design guidelines that would ordinarily apply to projects developed in the underlying zone.
  - (e) Property included in an MPD must be under the same ownership or there must be a signed agreement establishing control over multiple ownerships.
- (6) Vesting. Where MPDs are required, they must be completed in conjunction with a development agreement; as described in Chapter 36.70B RCW, in order to vest to development regulations in place at the time of the agreement. Where MPDs are optional, applicants wishing to vest may pursue a development agreement as described in Chapter 36.70B RCW.

**70-200 Plat Alteration.** Decision criteria for plat alterations are found in Section \_\_\_\_ of the Zoning Code.

**70-210 Plat Vacation.** Decision criteria for plat vacations are found in Section \_\_\_\_ of the Zoning Code.

**70-220 Preliminary Plat.** Decision criteria for preliminary plats are found in Section \_\_\_\_ of the Zoning Code.

**70-230 Reasonable Accommodations for Persons with Disabilities.**

- (1) Purpose. The purpose of this section is to comply with the requirements of the Federal Fair Housing Act and Fair Housing Act Amendments. The Federal Fair Housing Act and Fair Housing Act Amendments require that reasonable accommodations be made in the rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. The rights created by the statutes are requirements of Federal law and shall be interpreted and applied in accordance with Federal case law.
- (2) Scope. The Administrator or his or her designee is therefore authorized to make reasonable accommodations in the provisions of the Zoning Code as such provisions apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal Fair Housing Act and Fair Housing Act Amendments.
- (3) Procedure.
  - (a) Request. A request for a reasonable accommodation in the form of a modification of the State Building Code including, but not limited to, the Group LI requirements may be made to the Administrator or his or her designee. Such accommodation shall be reasonable, personal to the applicant and granted pursuant to the definitions and requirements of the Fair Housing Act and Fair Housing Act Amendments as the same exists or is hereafter amended.

- (b) Decision. The written decision of the Administrator or his or her designee shall be provided to the applicant and copies of the decision posted at the post office, City Hall, library, and on or near the subject site, and mailed to all property owners within 300 feet of the subject site.
  - (c) Recording of Decision. Notice of the decision of the Administrator or his or her designee shall be recorded with the King County Department of Records and Elections to apprise prospective purchasers of the reasonable accommodation granted hereunder. All such notices shall conspicuously state that all accommodations granted under this section are personal to the applicant and that they expire when the applicant terminates his or her occupancy at the subject site.
  - (d) Appeals. The decision of the Administrator or his or her designee shall be appealable only to King County Superior Court as provided in Chapter 36.70C RCW. The petition for review must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period set forth in RCW 36.70C.040.
- (4) Criteria. The Administrator or his or her designee may determine that such reasonable accommodations may be necessary in order to comply with the Federal Fair Housing Act and Fair Housing Act Amendments. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site.

**70-240 Shoreline Exemption, Shoreline Substantial Development Permit, Shoreline Conditional Use Permit and Shoreline Variance.** See RCDG 20D.150-200, Shoreline Administration and Procedures.

**70-250 Short Plat.** Decision criteria for short plats can be found in Section \_\_\_ of the Zoning Code.

**70-260 Sign Permit/Program.**

- (1) Purpose. The purpose of this section is to provide a mechanism for reviewing sign permits and sign programs in order to ensure that signs are constructed and maintained in a safe manner and that signs are located so as to provide effective communication while avoiding visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.
- (2) Scope. All signs require a building permit before being erected, altered, or relocated. All signs and sign programs for new development shall be reviewed as part of the land use permit process required in Section 20 of the Zoning Code and shall be subject to environmental review unless categorically exempt under SEPA. The Administrator shall review all building permits for signs that do not require another land use permit in order to determine compliance with the criteria set forth in this section.

- (3) Decision Criteria. All signs and sign programs shall comply with this section and the requirements set forth in RCDG 20D.160, Signs, and 20D.40, Design Standards.

**70-270 Site Plan Entitlement.**

- (1) Purpose. The purpose of this section is to ensure that site plans reviewed individually or collectively by the Technical Committee, Design Review Board, Landmark Commission, and Code Administrator achieve the following purposes:
- (a) Compliance with the provisions of the Zoning Code and all other applicable law;
  - (b) Coordination, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public projects within the area;
  - (c) The encouragement of proposals that embody good design principles that will result in high quality development on the subject property;
  - (d) The adequacy of streets and utilities in the area of the subject property to serve the anticipated demand from the proposal;
  - (e) Determination that the proposed access to the subject property is the optimal location and configuration for access.
- (2) Scope. Review and approval of a Site Plan Entitlement is required for any public, semi-public or private proposal for new construction or exterior modification to a building or site including multi-family, commercial, industrial, utility construction, expansion or exterior remodeling of structures, parking, or landscaping, where the proposed use is listed as requiring a Type II review in the applicable permitted use chart. All of the above projects require the review and approval of a site plan entitlement except for:
- (a) Detached single-family residential buildings
  - (b) Tenant improvements not encompassing or requiring modification to the exterior of an existing building; and
  - (c) Any action noted above which meets the criteria to be reviewed as an Administrative Modification as provided in Section 90-040 (4)(b)
- (3) Decision Criteria.
- (a) The Technical Committee, composed of the Departments of Planning and Public Works, shall review all Development Review permits with the State Environmental Policy Act and the Zoning Code.



- (b) The Landmark Commission will review all Certificates of Appropriateness for compliance with the Zoning Code.

**70-280 Telecommunication Facilities**

- (1) Purpose. The purpose of this section is to provide a mechanism to address issues of safety and appearance associated with telecommunication facilities, and to provide adequate siting opportunities at appropriate locations within the City to support existing communications technologies as needed for Redmond businesses and institutions to stay competitive.
- (2) Scope. The chart below identifies the process type based upon the type of facility and its location:

Facility Type	Zone	Structure Type	Land Use Permit Type
Small satellite dish antenna	All	All	None required
Large satellite dish antenna	All	All	TFP I
Amateur radio towers	All	All	TFP I
Broadcast and relay towers and other freestanding support structures*	MP and I	All	TFP II
	UR, RA-5, R-1	All	Essential Public Facility
	All other zones than those above	All	Conditional Use Permit
	All	All	Essential Public Facility
*If exceeds height limits per RCDG 20D.170.45			
Wireless Communication Facilities	Co-located on existing broadcast and relay tower, where adequate provisions for antennas and ground mounted equipment exist	All	None required
	GC, NC, BP, MP and I	Non-residential	TFP I
	All zones except GC, NC, BP, MP and I	Non – residential	TFP II
	All zones	N/A (free standing/ground mounted facilities)	TFP I
	All zones	Residential	Conditional Use Permit
Wireless monopoles, lattice, and guy towers and existing pole structures extended in height	All zones except UR, RA-5 and R-1	All	CUP
	RA-5, UR and R-1	All	Essential Public Facility
	NC, GC, BP, MP and I	All	Essential Public Facility
If facility exceeds height limits per RCDG 20D.170.45			

- (3) Decision Criteria. All proposed telecommunication facilities shall not be approved unless the development regulations provided in 20D.170.45 are met.

**70-290 Temporary Use Permit**

**[INSERT TEMPORARY USES SECTION APPROVED BY CRC]**

**70-300 Tree Removal Permit**

**[TO BE INSERTED AFTER COMPLETION OF THE ENVIRONMENTAL  
REGULATIONS, WHICH INCLUDE THE TREE PROTECTION REGULATIONS]**

**70-310 Variances**

- (1) Purpose. is the purpose of this section is to provide a mechanism by which the City may grant relief from certain regulations, where practical difficulty renders compliance with the provisions of that code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of that code and of the Comprehensive Plan can be fulfilled.
- (2) Scope. This section is to provide for the consideration of variances from the strict application requirements of RCDG Title 20C, Land Use Regulations, and RCDG Title 20D, City-Wide Regulations, when unique specified circumstances occur.
- (3) Decision Criteria. Variances may be approved only upon a finding that:
- (a) The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property; and
  - (b) Such variance is reasonably necessary, only because of special physical circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and
  - (c) The conditions or situations giving rise to the variance application have not been created or caused by the applicant or recent prior owner of the subject property; and
  - (d) Strict adherence to the regulation from which the variance is requested would create unnecessary hardship for the property owner; and
  - (e) The variance is the minimum necessary to grant relief to the applicant; and
  - (f) The variance does not relieve an applicant from conditions established during prior permit review; and

- (g) All approved variances otherwise comply with the requirements of the Zoning Code and the Comprehensive Plan.
- (4) Limitation. The variance procedures shall not be used to deviate from the permitted uses requirements of the permitted land use charts contained in RCDG Title 20C. Instead the procedures for amending the text of the Zoning Code and the Zoning Map, pursuant to Section 70-320, Zoning Code Amendment – Text, and Section 70-330, Zoning Code Amendment – Zoning Map shall be utilized.
- (5) Recording. Variances shall be recorded with the King County Department of Records and Elections.

**70-320 Zoning Code Amendment - Text.**

- (1) Purpose. The purpose of this section is to provide the procedures and requirements for amending the text, maps and charts of the Zoning Code, exclusive of the Zoning Map and to ensure that such amendments are consistent with the goals and policies of the Comprehensive Plan.
- (2) Scope. Amendments to the Zoning Code include amendments, additions and deletions to the text, maps, or charts of the Zoning Code, except amendments to the Zoning Map as set forth in Section 70-330.
- (3) Procedure. Zoning Code Amendments shall follow the procedures established in Section 50-110 for a Type VI permit process, and appropriate State statutes.
- (4) Amendment Criteria. All amendments to the Zoning Code processed under this section shall be in conformance with the Comprehensive Plan.
- (5) Exemptions. Non substantive changes in the organization, format, appearance, profiles, narrative, illustrations, examples or other non-material changes to the Zoning Code may be made by the Department of Planning and Community Development and are exempt from this section. Amendments to facility plans for City-managed utilities shall follow those procedures described in Utilities Element of the Comprehensive Plan.
- (6) Approval by Ordinance. All amendments shall be approved by ordinance by the Redmond City Council.

**70-330 Zoning Code Amendment - Zoning Map.**

- (1) Purpose. The purpose of this section is to establish the procedures and amendment criteria for amending the Official Zoning Map, adopted pursuant to RCDG 20C.10.15-010, Establishment of Zoning Map.
- (2) Procedure.

- (a) Zoning Code amendments to the Official Zoning Map that are consistent with the Comprehensive Plan shall follow the procedures established in Section 50-090 for a Type IV permit process.
  - (b) Zoning Code amendments to the Official Zoning Map that require a concurrent amendment to the Comprehensive Plan shall follow the procedures established in Section 50-110 for a Type VI permit process.
- (3) Conditions to Amendment. The City Council may require the applicant to submit a conceptual site plan prior to final approval being granted on an amendment to the Zoning Map. The City may require the applicant to enter into a development agreement with the City as a condition of the Zoning Map amendment and may, through that agreement, impose development conditions designed to mitigate potential impacts of the amendment and development pursuant thereto.
- (4) Special Application Requirements. No application shall be filed nor accepted for filing which on its face will not comply with the Comprehensive Plan, unless an application for a Comprehensive Plan amendment is submitted and the two applications are processed concurrently. No application without signatures of owners representing 75 percent of the subject area and signatures representing 75 percent of the owners of property in the subject area shall be filed or accepted for filing
- (5) Amendment Criteria. The following factors are to be taken into account by the Planning Commission and the City Council when considering a map amendment
  - (a) The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions;
  - (b) The amendment bears a substantial relation to the public health and safety;
  - (c) The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;
  - (d) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;
  - (e) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
  - (f) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
  - (g) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated taking into account all applicable regulations or the unmitigated impacts are acceptable; and

- (h) The amendment complies with all other applicable criteria and standards in the Zoning Code.
- (6) Approval. All amendments shall be approved by ordinance by the Redmond City Council.

## **80                   NOTICES**

### **80-010           Purpose.**

The purpose of this chapter is to maximize public input into the development process by providing for broad public notice of development applications, meetings, hearings, and decisions. This chapter establishes the procedures for the giving of public notices associated with development applications.

### **80-020           Notice of Application.**

- (1) Notice of application for Type II, Type III, Type IV, and Type V permits shall be provided within 14 days of the determination of completeness pursuant to Chapter 40, Timeframes for Review, except for Certificates of Appropriateness. Notice shall be provided as indicated in subsection (2) of this section. If any open record pre-decision hearing is required for the requested project-permit(s), the Notice of Application shall be provided at least 21 days prior to the open record hearing.
- (2) Notice of Application Requirements for Type II, Type III, Type IV, and Type V Review. All Type II, Type III, Type IV, and Type V permits require both mailed and posted notice.
- (3) Mailed Notice.
  - (a) Mailings shall include a mailed Notice of Application to owners and occupants of real property within 500 feet of the project site, or 20 property owners (whichever is greater). Mailed notice shall include the following information. See RCDG 20D.150.200-030(6)(b) and (c) for additional requirements for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances.
    - (i) The date of application and the date of the Notice of Application;
    - (ii) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
    - (iii) The identification of other permits not included in the application, to the extent known by the City;
    - (iv) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing Notice of Application, the location where the application and any studies can be reviewed;

- (v) A statement of the limits of the public comment period;
  - (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
  - (vii) The date, time, place, and type of meeting, if applicable, and if it is scheduled at the date of notice of the application;
  - (viii) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;
  - (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal;
  - (x) A copy of the preliminary tree preservation plan, when applicable;
  - (xi) *Any other information determined appropriate by the City, such as the City's SEPA threshold determination, if complete at the time of issuance of the Notice of Application;*
- (b) In addition to those persons specified in subsection (3)(a), the Notice of Application shall be mailed to any person who has requested such notice.
- (c) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.
- (d) The records of the King County Assessments Department shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the King County real property tax records. The approval authority shall issue a certificate of mailing showing that notice has been mailed to all persons entitled to notice under this chapter. The approval authority may provide notice to other persons than those required to receive notice under the code.
- (e) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- (4) Posted Notice.
- (a) At least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. Additional signs shall be placed where needed to ensure individuals can



access a sign easily and safely. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.

- (b) A public notice shall also be posted at a designated location within City Hall and at least one other public building, such as the library, post office, or community center.
- (5) Responsibility for Notice. The Code Administrator is responsible for providing published legal notices, mailed notice, and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.
- (6) The Notice of Application shall provide a minimum comment period of 21 days. All comments received on the Notice of Application must be received in the Redmond Development Services Center by 5:00 p.m. on the last day of the comment period. Comments may be mailed, e-mailed, personally delivered or sent by facsimile. The Technical Committee's decision or recommendation on a Type II, Type III, Type IV, or Type V application shall not be issued prior to the expiration of the minimum comment period. See 20D.150.200-030(6)(b) and (c) for Shoreline Substantial Development, Shoreline Conditional Use Permit and Shoreline Variance comment period.
- (7) Comments should be submitted to the Technical Committee as early in the review of an application as possible and should be as specific as possible.
- (8) If the optional DNS process is used, as described in RCDG 20F.30.35-040, the Administrator shall combine the Notice of Application and DNS comment periods. When a final DNS is issued, there is no additional comment period.
- (9) The Technical Committee may accept and respond to public comments at any time prior to making the Type II, Type III, Type IV, or Type V recommendation or decision.

**80-030 Notice of Neighborhood Meeting**

Notice of a neighborhood meeting shall be mailed in the same manner as required for the Notice of Application.

**80-040 Notice of Open Record Public Hearings on Type III and IV Permits.**

- (1) Public notice of the date of the Hearing Examiner or Landmark Commission public hearing for a Type III or IV application shall be published in a newspaper of general circulation. The public notice shall also include a notice of availability of the Technical Committee/Design Review Board recommendation. If a determination of significance was issued by the responsible official, the notice of the Technical Committee/Design Review Board recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The public hearing shall be scheduled no sooner than 21 days following the date of publication of the notice.

- (2) The Administrator shall mail notice of the public hearing and the availability of the recommendation to each owner and occupant of real property within 500 feet of the project site, or 20 property owners and residents/tenants (whichever is greater).
- (3) The Administrator shall mail notice of the availability of the recommendation and the date of the public hearing to each person who submitted oral or written comments during the public comment period or at any time prior to the publication of the notice of recommendation.
- (4) The Administrator shall post the notice of the date of the public hearing and the availability of the recommendation on-site and at a designated location within City Hall and at least one other public building. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.
- (5) The following applications are major land use actions: Conditional Use Permits, Master Planned Developments, Essential Public Facilities, and Zoning Code Amendment – Zoning Map (consistent with Comprehensive Plan). In addition to the general notice requirements, major land use actions shall comply with the extraordinary signage requirements outlined in Appendix 20F-1:

**80-050          Notice of City Council Public Hearing on Type V Reviews.**

- (1) Public notice of the date of the City Council public hearing at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 21 days following the date of publication of the notice. If a determination of significance was issued by the Administrator, the notice of the Technical Committee's recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the Technical Committee's recommendation.
- (2) The Administrator shall mail notice of the City Council public hearing, the SEPA determination and the notice of the availability of the Technical Committee recommendation to each person who submitted comments during the public comment period or at any time prior to the publication of the notice of recommendation.
- (3) Type V Master Planned Developments are considered a major land use action. In addition to the general notice requirements, major land use actions shall comply with the extraordinary signage requirements outlined in Appendix 20F-1:

**80-060          Notice of Planning Commission Hearing on Type VI Reviews.**

- (1) When the Planning Commission or City Council has scheduled a public hearing on a Type VI proposal, notice of the public hearing shall be provided 21 days prior to the scheduled hearing date in the manner set forth in subsection (2) of this section.

(2) Notice of Public Hearing.

Land Use Action	Publish	Mail	Post
Comprehensive Plan Amendment	X		
Zoning Code Amendment – Text	X		
Zoning Code Amendment – Zoning Map	X	X	X

(3) Published Notice. When required, the applicable department director shall publish a notice in a newspaper of general circulation in the City. The notice shall contain the following information:

- (a) The name of the applicant, and, if applicable, the project name;
- (b) If the application involves specific property, the street address of the subject property, a description in nonlegal terms sufficient to identify its location, and a vicinity map indicating the subject property;
- (c) A brief description of the action or approval requested;
- (d) The date, time, and place of the public hearing; and
- (e) A statement of the right of any person to participate in the public hearing as provided in Section 60-120.

(4) Mailed Notice.

- (a) Zoning Map Amendments. If the proposal involves specific property, rather than an area-wide or zone-wide change, notice of the public hearing, containing the same information set forth in subsection (3) of this section, shall be mailed to each owner and occupant of real property within 500 feet of any boundary of the subject property, or 20 property owners and residents/tenants (whichever is greater).
  - (i) The records of the King County Assessments Department shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the King County real property tax records. The approval authority shall issue a certificate of mailing to all persons entitled to notice under this chapter. The approval authority may provide notice to other persons than those required to receive notice under the code.
- (b) Notice shall be mailed to each person who has requested such notice.
- (c) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as

the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

- (d) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- (5) Posted Notice.
  - (a) Zoning Map Amendments. If the proposal involves specific property, rather than an area-wide or zone-wide change, at least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using the adjacent street(s).
  - (b) Type VI Development Guide Zoning Code amendment – Zoning Map is considered a major land use action. In addition to the general notice requirements, major land use actions shall comply with the extraordinary signage requirements outlined in Appendix 20F-1:
- (6) Responsibility for Notice. The Code Administrator is responsible for providing published legal notices, mailed notice and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.
- (7) Alternative Means of Notification. In the case of the following actions initiated by the City, which affect large areas of the City, the Administrator may elect to use alternative means of public notification in addition to the newspaper publication required by RCW 35A.63.070, provided such notification is likely to achieve equal or greater actual public notification:
  - (a) Adoption or amendment of a neighborhood or other area-wide community plan;
  - (b) Zoning Map amendments adopted on a neighborhood or other area-wide basis.

#### **80-070 Notice of Final Decision.**

The Administrator shall mail the Notice of Final Decision and the final SEPA determination, if any, to the applicant and to each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision. The Notice of Decision shall include a statement of any threshold determination made under SEPA, and the procedures for administrative appeal, if any. For those project permits subject to SEPA, the Notice of Decision shall contain the requirements set forth in RCDG 20F.20.40, Environmental Review. The exception shall be for Notice of Decision for Historic Landmark Designations, which shall conform to the notice procedures found in King County Code Chapter 20.62. For Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances, see RCDG 20D.150.200-030(6)(b) and (c)

**80-080 Notice of Open Record Appeal Hearings on Type I and II Permits.**

If a Type I or II decision is appealed, a hearing before the City Hearing Examiner shall be set and notice of the hearing shall be provided in the same manner as was done for the Notice of Decision; except that if the Type I or II decision has been consolidated with a recommendation on a Type III, IV, or V application, any appeal of the Type I or II decision shall be consolidated with the Type III, IV, or V public hearing. No separate notice of a Type I or II appeal will be provided if a public hearing has already been scheduled for the Type III, IV, or V component of an application.

**80-090 Notice of Closed Record Appeal Proceeding Before City Council.**

- (1) Contents of Notice. The Administrator shall prepare a Notice of Closed Record Appeal Proceeding containing the following:
  - (a) The name of the appellant, and, if applicable, the project name, and
  - (b) The street address of the subject property and a description in nonlegal terms sufficient to identify its location, and
  - (c) A brief description of the decision of the Hearing Examiner which is being appealed, and
  - (d) The date, time, and place of the closed record appeal proceeding before the City Council.
- (2) Time and Provision of Notice. The Administrator shall mail the Notice of Closed Appeal Proceeding to each person entitled to participate in the appeal no less than 14 days prior to the date on which the Council will hold the closed record appeal proceeding.

**80-100 Notice of Closed Record City Council Proceeding on Type IV and City Council Proceeding on Type VI Reviews.**

The Administrator shall mail notice of the proceeding at which the City Council will consider the recommendation, the SEPA threshold determination and the availability of the recommendation to each person who submitted comments during the public comment period or at any time prior to the publication of the notice of the City Council public meeting. Notice shall be provided a minimum of 21 days prior to the meeting/proceeding.

## 90 POST-APPROVAL ACTIONS

### 90-010 Purpose.

The purpose of this Chapter is to detail actions that a development applicant or the City may take after approval of the development application.

### 90-020 Commencement of Activity.

Except for master planned development approvals, approvals for Shoreline Substantial Development, Shoreline Conditional Use and Shoreline Variance approvals, approval of a Type I, Type II, Type III, Type IV, and Type V permits are assumed valid unless overturned by an appeal decision. Project activity commenced prior to the end of any appeal period, or withdrawal of, or final decision on, an appeal, may continue at the sole risk of the applicant provided however, that:

- (1) Where the applicant begins project activity prior to the end of any applicable appeal period, *site restoration performance assurance in an amount sufficient to restore the site to the predevelopment state shall be required.*
- (2) Where the applicant begins or continues project activity after an appeal has been filed, only project activity that will be unaffected in any way by the outcome of the appeal will be allowed.
- (3) If the appeal concerns project activities that alter or affect a natural or undeveloped area, such activities shall not be allowed pending withdrawal of, or final decision on, the appeal.
- (4) *If the appeal concerns project activities that alter or affect a historic landmark, such activities shall not be allowed pending withdrawal of, or final decision on, the appeal.*
- (5) If project activity has begun and is subsequently discontinued pending the withdrawal of or final decision on an appeal, then proper erosion control measures shall be maintained in accordance with the provisions of local, State and Federal law. Project infrastructure improvements in progress at this time shall be secured and shall be maintained in a safe condition pending withdrawal of, or final decision on, the appeal.

For Shoreline Substantial Development Permit approvals, Shoreline Conditional Use Permit approvals and Shoreline Variance approvals, see RCDG 20D.150.200-030(6)(d).

### 90-030 Termination of Approval of Type I, II and III Permits.

- (1) Approval of a Type I, II, or III application shall expire two years from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress.

- (2) The period may be extended on a yearly basis by the approval authority upon showing proper justification. Proper justification consists of one or more of the following conditions:
  - (a) Economic hardship;
  - (b) Change of ownership;
  - (c) Unanticipated construction and/or site design problems;
  - (d) Other circumstances beyond the control of the applicant determined acceptable by the Technical Committee.
- (3) Once the time period and any extensions have expired, approval shall terminate and the application is void and deemed withdrawn.
- (4) Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances. See RCDG 20D.150.200-030(9).

**90-040 Administrative Modifications.**

- (1) Purpose. The purpose of this section is to establish a procedure to allow modification to an approved project.
- (2) Scope. This section governs requests to modify any final approval on a project granted pursuant to this chapter of the Zoning Code, excluding all approvals granted by passage of an ordinance or resolution of the City Council. For Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances, see RCDG 20D.150.200-030(8).
- (3) Procedure.
  - (a) Applications that seek administrative modification that meet the criteria below shall follow the procedures established in Section 50-080 for a Type II permit process, without the requirement for public notification.
  - (b) Applications that seek administrative modification for additional square footage shall follow the procedures established in Section 50-080 for a Type II permit process.
- (4) Decision Criteria.
  - (a) The Administrator may determine that an addition or modification to a previously approved project or decision will require review as a new application rather than

an administrative modification, if it exceeds the criteria in subsection (b) of this section.

- (i) If reviewed as a new application rather than an administrative modification, the modification shall be reviewed by the same body(ies) that reviewed the original application. If the application resulting in the approval which is the subject of the request for modification was reviewed by the Design Review Board, then the Board shall review the request and make its recommendations to the appropriate body. The criteria for approval of such a modification shall be those criteria governing original approval of the permit which is the subject of the proposed modification.
- (b) A proposed modification or addition will be decided as an administrative modification, if the modification meets the following criteria:
  - (i) No new land use is proposed;
  - (ii) No increase in density, number of dwelling units or lots is proposed;
  - (iii) No changes in location or number of access points are proposed;
  - (iv) No reduction in the amount of landscaping is proposed;
  - (v) No reduction in the amount of parking is proposed;
  - (vi) No increase in the total square footage of structures to be developed is proposed; and
  - (vii) No increase in height of structures is proposed to the extent that additional usable floor space will be added.
- (c) A modification that does not meet the criteria in subsection (2) of this section, but does not add more than the lesser of 10 percent or 6,000 gross square footage, may be reviewed as an administrative modification, as approved by the Administrator.

**90-050      Revocation of Permits.**

- (1) The Administrator may determine that any approved permit should be revoked upon a finding that one or more of the following conditions exist:
  - (a) The permit was issued in error and the revocation is made within the 21-day appeal period under the Land Use Petition Act, RCW 36.70C; or
  - (b) Approval of the permit was obtained by misrepresentation of material fact; or



- (c) The permit is being exercised contrary to the terms of approval.
- (2) Except as provided in subsection (3) of this section, the Administrator shall provide the property owner and permit applicant at least 21 days' written notice of the Administrator's intent to revoke the permit. Revocation will automatically occur upon the date specified by the notice unless the property owner or permit holder files an appeal as provided in the appropriate section of this title. If an appeal is filed, revocation shall not take place unless and until the appeal is concluded and then only if the decision of the Administrator is upheld; provided, that at the request of the Administrator, and after notice and opportunity to be heard has been provided, the Hearing Examiner may issue an order at any time during the appeal proceedings to require that the property owner or permit applicant cease the use or activity for which the permit was approved pending conclusion of the appeal, if the Hearing Examiner determines that the Administrator's decision is likely to be upheld and that irreparable harm will likely result if the use or activity is not ceased.
- (3) The Administrator may revoke a permit on less than 21 days' notice or upon no notice at all if, but only if, the property owner's or permit holder's continued activities will result in imminent danger to person or property or otherwise create irreparable harm. In the event of such an extraordinary situation, the property owner or permit holder may file an appeal of the revocation and seek an expedited appeal hearing. Such an expedited hearing shall take place at the earliest opportunity and shall be given priority over any other matter on the Hearing Examiner's schedule that may be legally delayed.

## **100 MISCELLANEOUS**

### **100-010 Purpose.**

The purpose of this chapter is to provide general provisions for the implementation of the Zoning Code.

### **100-020 Compliance.**

- (1) All land uses, activities, construction, clearing, grading, filling, development, intensification, and structural modifications or alterations shall comply with the Zoning Code and all permits granted for the use, activity, construction, clearing, grading, filling, development, intensification, or structural modifications or alterations.
- (2) All permits and approvals shall comply with the Zoning Code. No permit or approval shall be issued for any parcel of land developed in violation of the Zoning Code.
- (3) All purchasers or transferees of property shall comply with provisions of the Zoning Code.

### **100-030 Violations and Penalties.**

- (1) Any person violating any provisions of the Zoning Code shall be punished as provided in Redmond Municipal Code (RMC) Chapter 1.14, Enforcement and Penalties.
- (2) Any building, structure, development, activity, land use, or division of land, not in conformance with the Zoning Code and not a legal nonconformance, is declared to be unlawful, substandard, and a public nuisance, and is subject to the enforcement and abatement provisions in Chapter 1.14 RMC, Enforcement and Penalties.

**100-040      Administrative Interpretations.**

- (1) **Purpose.** The purpose of this section is to define the responsibilities, rules, procedures, and requirements for the interpretation of the Zoning Code.
- (2) **Interpretation Generally.** The provisions of the Zoning Code shall be the minimum requirements adopted for the promotion and protection of the public health, safety, and general welfare. The Zoning Code is not intended to interfere with, abrogate or annul any easements, covenants, or other agreements between parties, except where the agreements may conflict with the enforcement of the Zoning Code.
- (3) **Responsibility.** The Code Administrator shall be responsible for interpreting the provisions of this code, except where expressly provided otherwise.
- (4) **Conflicts.** In the case of conflicts between parts of the Zoning Code or between the Zoning Code and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by other authority having jurisdiction within the City, the most restrictive shall govern. In the case of conflicts between the text, maps, and charts of the Zoning Code, the text shall govern unless otherwise stated.
- (5) **Interpretation of Zoning Map.** Interpretation of the Official Zoning Map shall be as set forth in RCDG 20C.10.15.
- (6) **Interpretation of Comprehensive Plan.** The interpretation of RCDG Title 20B, Redmond Comprehensive Plan, is to be made recognizing that the boundaries of the plan categories are not exact but illustrate general relationships and locations.
- (7) **Interpretations of Shoreline Master Program.** See 20D.150.200-010.
- (8) **Request for Code Interpretation.** Any interested person may apply for an interpretation of this code where the code, or its application to specific circumstances, is ambiguous, i.e., where the code is susceptible to two or more reasonable interpretations. Applications for administrative interpretation are processed as Type I reviews and shall be subject the criteria outlined in Section 70-040.

**100-050      Moratoriums.**

Nothing shall prevent the City Council from establishing or extending development moratoriums or interim land use regulations in accordance with Article XI, Section 11 of the Washington State Constitution or any other applicable authority, and the procedures set forth in RCW 36.70A.390 and 35A.63.220, as those sections exist or may be hereafter amended or superseded.

**100-060      Nonconforming Uses and Structures**

**[MOVE NONCONFORMING USES AND STRUCTURES SECTION APPROVED BY  
CRC TO THIS CHAPTER]**

**100-070      Legislative Enactments.**

Nothing in this Title or the permit processing procedures shall limit the authority of the City Council to make changes to the City's Comprehensive Plan, as part of an annual revision process, or to make changes to the City's development regulations.

**100-080      Calculation of Time**

Unless otherwise expressly indicated, all times established in this Zoning Code are indicated as calendar days, not working days.

## **Appendix 20F-1**

### **Extraordinary Notice Requirements**

When required per Section 80, Extraordinary Notice shall be provided in accordance with the following:

- (1) Sign Size and Placement. Each sign shall be four feet by eight feet in size, placed no closer than five feet from the right-of-way, visible from each public street on which the subject property has frontage, and placed outside the sight distance triangle.
- (2) Content of Notice. Signs shall be prepared using templates or attachable letters. Hand lettered signs are not acceptable. The required sign shall include (see illustration):
  - (a) The title "Notice of Land Use Application";
  - (b) A graphic or written description of the site boundaries;
  - (c) Type of action/application (i.e., conditional use, master planned development etc.);
  - (d) The date of public hearing;
  - (e) The name and telephone number of the Department of Planning and Community Development;
  - (f) City of Redmond logo;
  - (g) Other information as the Administrator may determine to be necessary to adequately notify the public of the pending land use application.
- (3) Responsibility for Installation and Removal.
  - (a) The applicant shall be solely responsible for the construction, installation, and removal of the sign(s) and the associated costs.
  - (b) The sign(s) shall be erected at least 21 days prior to the public hearing. The applicant shall sign an affidavit, stating that the sign(s) were installed and the date and posting of property.
  - (c) The sign(s) shall be removed immediately following final action by the decision maker
  - (d) If the sign is removed prior to the decision maker's final action, the applicant is responsible for immediate replacement of the sign.

## **DEFINITIONS**

### **“E” Definitions.**

#### **Essential Public Facility.**

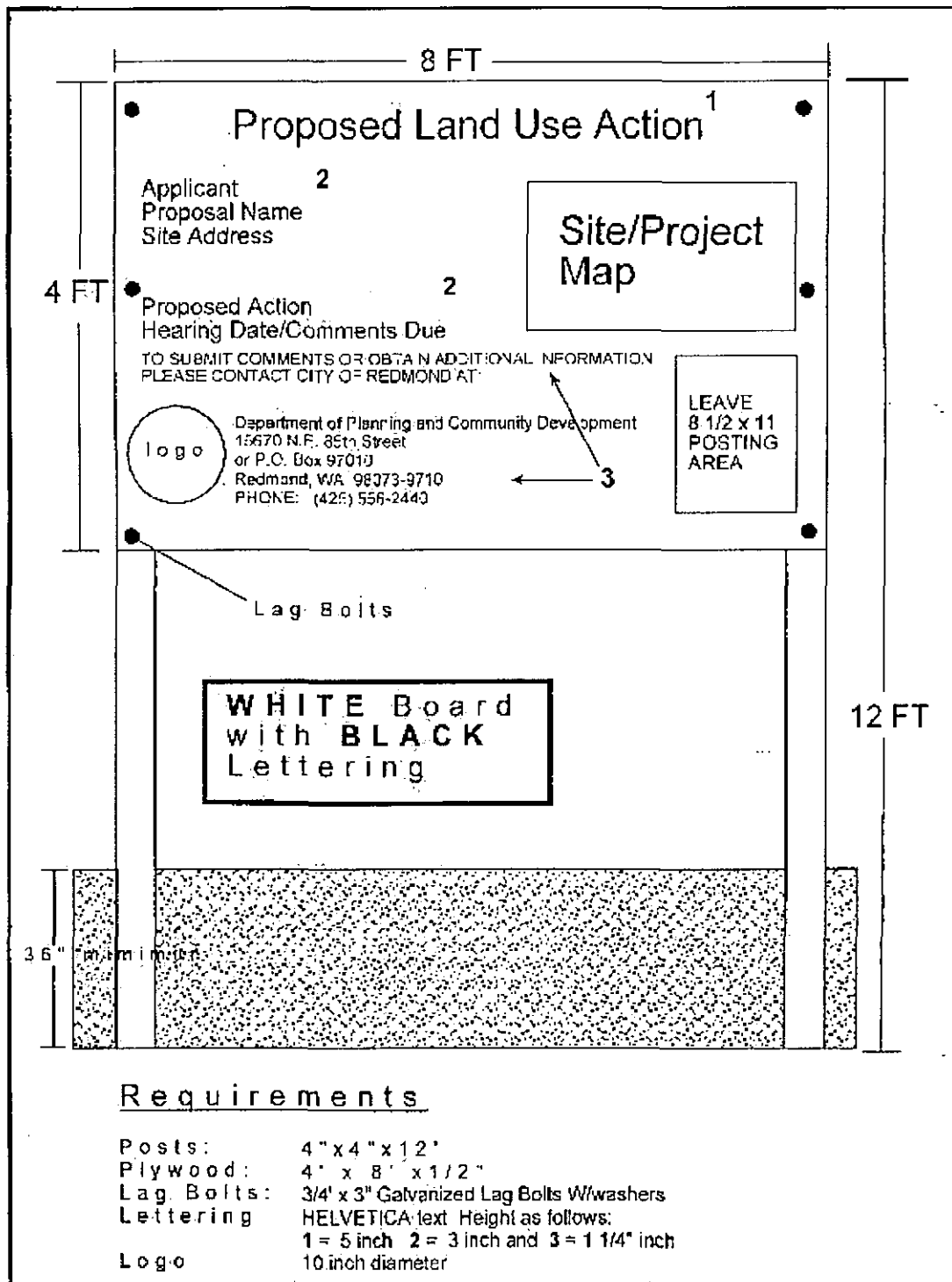
A facility, conveyance, or site owned or operated by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site. Essential public facilities include, but are not limited to, airports, state education facilities, state and local correctional facilities, state or regional transportation facilities, solid waste handling facilities, in-patient facilities (including substance abuse facilities, mental health facilities, and group homes), secure community transition facilities, and such other state facilities as are listed by the office of financial management as essential public facilities likely to be built within the next six years pursuant to RCW 36.70A.210.

### **“L” Definitions.**

#### **Land Use Permit.**

Land use permits include all Type II, III, IV, V and VI permits listed in section 50-030 as well as the following Type I permits: Certificate of Appropriateness Level 1, Shoreline Exemption, Telecommunication Facility Permit I and Temporary Use Permits.

**Extraordinary Notice Sign  
(to be updated)**



## TREE PROTECTION

010	Purpose.
020	Tree Removal Permits Required.
030	Exemptions.
040	Application Requirements.
050	Permit Review Criteria.
060	Tree Protection Standards.
070	Tree Protection Measures.
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### 010 Purpose.

(1) The purpose of this chapter is to:

- (a) Avoid the removal of stands of trees and significant trees in order to maintain the *quality of Redmond's urban environment*;
- (b) Protect stands of trees and significant trees to the maximum extent possible in the design of new buildings, roadways and utilities;
- (c) Mitigate the environmental and aesthetic consequences of tree removal in land development through on and off-site tree replacement to achieve a goal of no net loss of trees through-out the City of Redmond;
- (d) Provide measures to protect trees that may be impacted during construction;
- (e) Maintain and protect the public health, safety and general welfare; and
- (f) Preserve the aesthetic, ecological and economic benefits of forests and tree-covered areas in Redmond, which include:
  - (i) Providing varied and rich habitats for wildlife;
  - (ii) Absorbing greenhouse gas emissions;
  - (iii) Moderating the effects of winds and temperatures;

- (iv) Stabilizing and enriching the soil;
- (v) Slowing runoff from precipitation and reducing soil erosion;
- (vi) Improving air quality;
- (vii) Improving water quality;
- (viii) Masking unwanted sound;
- (ix) Providing visual relief and screening buffers;
- (x) Providing recreational benefits;
- (xi) Enhancing the economic value of developments; and
- (xii) Providing a valuable asset to the community as a whole.

**020**

**Permits Required.**

- (1) **Permit Required.** Except as provided in Section 030, Exemptions, any person who desires to cut down or remove any significant tree or any stand of trees, or who desires to conduct grading activities on a site that will result in the removal of trees, must first obtain a permit to do so from the Administrator as provided in this section.

- (2) **Developed Single-Family Lots.** The owners of developed single-family lots must obtain a permit prior to removing any significant tree located on the lot. Trees may be removed as follows:

Lots up to 10,000 sq. ft.:	Up to 2 significant trees may be removed per year.
Lots 10,001 sq. ft. to 20,000 sq.ft.:	Up to 4 significant trees may be removed per year.
Lots 20,001 sq. ft. to 30,000 sq ft.:	Up to 6 significant trees may be removed per year.
Lots 30,001 sq. ft. and greater:	Up to 8 significant trees may be removed per year.

PROVIDED, that trees previously designated for protection or located within a native growth protection area may not be removed unless they are determined to be hazardous. Hazardous, dead, or otherwise dangerous trees are not included in the limits established by this section. The Administrator may approve the removal of more trees in a given year than set forth above if the remaining trees would pose a hazard to life or property.

- (3) **Other Developed Lots.** The owners of all other developed commercial, industrial, or multi-family lots must obtain a permit prior to removing any significant tree located on the lot. Permits shall be granted for the removal of no more than five significant trees per acre per year for the purposes of (a) thinning a heavily wooded area where remaining



trees may benefit from the thinning and the site's forested look, value or function is maintained, or (b) maintaining the site's landscaped areas. Trees previously designated for protection or located within a native growth protection area may not be removed unless they are determined to be hazardous. Hazardous, dead, or otherwise dangerous trees are not included in the limits established by this section. Replacement trees shall be planted as provided in Section 080, Tree Replacement.

- (4) Undeveloped Lots Not Under Land Use Permit Review. The owners of undeveloped lots for which no land use application is pending must obtain a permit prior to removing any significant tree(s) or stands of trees on the lot. Removal of 11 or more significant trees requires clearing and grading approval, in accordance with Chapter 15.24 RMC.
- (5) Undeveloped Lots for which Land Use Permit Applications are Pending. When tree removal is planned in conjunction with the construction of a new or expanded site or building, no separate tree removal permit is required, but the tree protection and replacement standards of this chapter will be applied to the land use permit application in addition to the other criteria found in this code.
- (6) Forest Practices Permittees. Permittees under Class IV - General forest practice permits issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a tree removal permit from the City. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal.

#### 030 Exemptions.

- (1) The following activities are exempt from obtaining a permit under this chapter:
  - (a) Emergency activities necessary to remedy an immediate threat to public health, safety or welfare.
  - (b) Routine maintenance of trees necessary to maintain the health of cultivated plants, to contain noxious weeds, or to remedy a potential fire or health hazard or threat to public safety.
  - (c) Removal of trees in easements and rights-of-way for the purposes of constructing public streets and utilities. Protection of trees shall be a major factor in the location, design, construction and maintenance of streets and utilities. These improvements are subject to the purpose and intent of this division. Removal of significant trees shall be mitigated with on- or off-site tree replacement as set forth in the requirements of Section 080, Tree Replacement.
- (2) Nothing in this section shall be interpreted to allow the removal of trees or other vegetation within critical areas or critical area buffers, where prohibited under RCDG 20D.140, Critical Areas, or in native growth protection areas.

040

### **Application Requirements.**

The Administrator shall specify application submittal requirements, including the type of plans, level of detail and numbers of copies to be submitted. An application fee shall be paid at the time of application in an amount established in the City's fee schedule.

050

### **Permit Review Criteria.**

- (1) Review Criteria. The Administrator shall review all tree removal permit applications and approve the permit, or approve the permit with conditions, provided that the application demonstrates compliance with the criteria below:
  - (a) The proposal complies with Section 060, Tree Protection Standards, and Section 080, Tree Replacement, or has been granted an exception pursuant to Section 90, Exceptions.
  - (b) All bonds or other assurance devices required per Section 110, Performance Assurance, are posted with the City.
- (2) Professional Evaluation. In determining whether a tree removal permit is to be approved or conditioned, the Administrator may require the submittal of a professional evaluation and/or a tree protection plan prepared by a certified arborist, where the Administrator deems such services necessary to demonstrate compliance with the standards of this chapter. Such professional evaluation(s) and services may include:
  - (a) Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;
  - (b) Providing a hazardous tree assessment;
  - (c) Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
  - (d) Conducting a post-construction site inspection and evaluation.
- (3) Conditions of Approval. The Administrator may specify conditions for work, at any stage of the application or project as he/she deems necessary to ensure the proposal's compliance with requirements of this division, the Critical Areas regulations, clearing, grading and storm water management regulations or to protect public or private property. These conditions may include, but are not limited to, hours or seasons within which work may be conducted, or specific work methods.

**Tree Protection Standards.****(1) Tree Protection, In General.**

- (a) In all new developments, including additions to existing non-single family buildings and parking areas, a minimum of 35 percent of all significant trees shall be retained. Trees that are located within Native Growth Protection Easements/Areas, critical areas, and their associated buffers as provided in RCDG 20D.140, Critical Areas, or that have otherwise been designated for protection shall not be removed. Exceptions to this standard shall be requested and reviewed in accordance with Section 90, Exceptions.
- (b) Landmark Trees. Landmark trees shall not be removed unless an exception has been applied for and granted.
- (c) Hazardous Trees. Hazardous trees or dead trees posing a hazard, outside of NGPAs, critical areas and buffers, should be removed and are not considered significant trees.

**(2) Site Design Standards. Site improvements shall be designed and constructed to meet the following standards:**

- (a) Site improvements shall be designed to protect trees with the following characteristics, functions, or location, with priority given to protection according to the following items, arranged from most important to least important:
  - (i) Existing stands of healthy trees;
  - (ii) Trees providing habitat value, such as riparian habitat;
  - (iii) Trees having a significant land stability function;
  - (iv) Trees adjacent to public parks and open space.
  - (v) Trees within the required yard setbacks or around the site perimeter; and
  - (vi) Trees that have a screening function or provide relief from glare, blight, commercial or industrial harshness;
- (b) In considering trees for protection, applicants and the City shall avoid, to the extent known, the selection of trees that may become hazardous because of wind gusts, including trees adjacent to utility corridors where falling trees may cause power outages or other damage. Remaining trees may be susceptible to blow

downs because of loss of a buffer from other trees, grade changes affecting the tree health and stability and/or the presence of buildings in close proximity.

(3) Grading and Proximity to Structures, Utilities, and Roadways.

- (a) To ensure that structures, utilities, and roadways are located an adequate distance from the dripline of a protected tree to allow adequate room for construction activities, the construction limit line for a structure, utility, or roadway shall be located no closer than five feet outside of the dripline of a protected tree.
- (b) No proposed structure, utility, or roadway shall be located within five feet of the dripline of a protected tree, except where such structure is a raised deck, bay window, or cantilevered or otherwise raised above the ground's surface so as not to disrupt the tree's roots.
- (c) Sidewalks and utilities may be located within the dripline of a protected tree, provided that construction methods and materials used will result in minimal disruption of the tree's roots, and that additional measures for tree protection are proposed and approved which will ensure the long-term viability of the tree.
- (d) The Administrator may allow construction limits or an alteration of grades within five feet of the dripline of a protected tree, provided that the applicant submits an evaluation by a certified arborist which demonstrates that the proposed construction will not reduce the long-term viability of the tree.
- (e) The Administrator may require an evaluation by a certified arborist to determine if protective measures should be required beyond five feet of the dripline of a protected tree.

(4) Designation of Protected Trees.

- (a) The tree protection and replacement plan and any application and permit plans that cover such areas shall show all trees designated for protection. These areas may be shown by labeling them as "protected trees," "native growth protection areas," "critical areas," "critical area buffers," or such other designation as may be approved by the Administrator. Protected vegetation, including protected trees, shall not be modified, harmed or removed except as provided in this division.
- (b) The Administrator may require that protected trees be permanently preserved within a tract, easement or other permanent protective mechanism. When required, the location, purpose, and limitation of these protected areas shall be shown on the face of the deed, plat, binding site plan, or similar document and shall be recorded with the King County Department of Records and Elections or its successor. The recorded document shall include the requirement that the protected areas shall not be removed, amended or modified without the written approval of the City of Redmond.

(5) Incentives for Higher Levels of Tree Protection

- (a) The Administrator may grant adjustments to site development standards for developments on which ten or more healthy significant trees per exist acre, as follows:
  - (i) Developments that preserve 40 percent or more of the healthy significant trees shall be entitled to the Administrative Design Flexibility provisions for residential or commercial properties as outlined in RCDG 20F.40.20;

**070 Tree Protection Measures**

- (1) Tree Protection Measures. To ensure long-term viability of trees and stands identified for protection, permit plans and construction activities shall comply with the following minimum required tree protection:
  - (a) All minimum required tree protection measures shall be shown on the tree protection and replacement plan.
  - (b) All construction activities, including staging and traffic areas, shall be prohibited within five feet of the dripline of protected trees.
  - (c) Tree protection barriers shall be installed five feet beyond the dripline of significant trees to be protected prior to any land disturbance.
  - (d) Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Administrator. On large or multiple-project sites, the Administrator may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
  - (e) Where tree protection areas are remote from areas of land disturbance, and where approved by the Administrator, alternative forms of tree protection may be used in lieu of tree protection barriers, provided that protected trees are completely surrounded with continuous rope or flagging and are accompanied by "Tree Save Area – Keep Out" signs.
- (2) Preventative Measures. In addition to the above minimum tree protection measures, the applicant shall support tree protection efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:
  - (a) Pruning of visible deadwood on trees to be protected or relocated;
  - (b) Application of fertilizer to enhance the vigor of stressed trees;

- (c) Use of soil amendments and soil aeration in tree protection and planting areas;
  - (d) Mulching over tree dripline areas; and
  - (e) Ensuring proper water availability during and immediately after construction.
- (3) Alternative Methods. The Administrator may approve the use of alternative tree protection techniques if a protected tree will be protected to an equal or greater degree than through the techniques listed above.

**080 Tree Replacement.**

- (1) Prior to any tree removal, the applicant shall demonstrate through a tree protection and replacement plan, critical area mitigation plan or other plans acceptable to the Administrator that tree replacement will meet the minimum standards of this section.
- (2) Replacement Required. A significant tree to be removed shall be replaced by one new tree in accordance with subsection (3) of this section. Trees that are removed which are classified as landmark shall be replaced by three new trees in accordance with subsection (3) of this section. No tree replacement is required in the following cases:
- (a) The tree is hazardous, dead, diseased, injured or in a declining condition with no reasonable assurance of regaining vigor.
  - (b) The tree is proposed to be relocated to another suitable planting site, provided that relocation complies with the standards in this section.
- (3) Replacement Specifications.
- (a) Minimum sizes for replacement trees shall be:
    - (i) Two-and-one-half-inch caliper at breast height for deciduous trees;
    - (ii) Six feet in height for evergreen trees.
  - (b) The Administrator may consider smaller-sized replacement trees if the applicant can demonstrate that smaller trees are more suited to the species, the site conditions, and the purposes of this section, and that such trees will be planted in sufficient quantities to meet the intent of this section.
  - (c) Replacement trees shall be primarily native species in order to restore and enhance the site as nearly as practicable to its pre-development character.

- (d) The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.
- (e) Installation.
  - (i) Installation of required replacement trees shall be in accordance with best management practices for landscaping which ensure the tree's long-term health and survival.
  - (ii) All required tree replacement and other required mitigation shall be bonded or completed prior to issuance of a building permit.
- (4) Location for Tree Replacement - On Site. Replacement trees shall be planted on the site from which significant trees are removed unless the Administrator accepts one or more of the alternatives set forth in subsection (5) of this section.
- (5) Location for Tree Replacement - Alternatives. When on-site replacement cannot be achieved, the Administrator may consider the following alternatives:
  - (a) Off-Site Tree Replacement.
    - (i) The number of replacement trees shall be the same as described in subsection (2) of this section, Replacement Required. Replacement costs (material plus labor) shall be at the applicant's expense.
    - (ii) Allowable sites for receiving off-site replacement plantings.
      - (A) City or County-owned parks, open space areas, native growth protection areas (NGPA), or river and stream corridors within Redmond City limits, or lands controlled by the City;
      - (B) Private open space which is permanently protected and maintained, such as a native growth protection area (NGPA).
    - (iii) All trees to be replaced off-site shall meet the replacement standards of this section.
  - (b) Tree Replacement Fee. A fee in lieu of tree replacement may be allowed, subject to approval by the Administrator after careful consideration of all other options. A tree replacement fee shall be required for each replacement tree required but not planted on the application site or an offsite location.
    - (i) The amount of the fee shall be the tree base fee times the number of trees necessary to satisfy the tree replacement requirements of this section. The

tree base fee shall cover the cost of a tree, installation (labor and equipment), maintenance for two years, and fund administration.

- (ii) The fee shall be paid to the City prior to the issuance of a tree removal permit.
  - (iii) Fees collected under this subsection shall be expended only for the planting of new trees in City-owned parks, open spaces or rights-of-way.
- (c) Landscape Restoration. Where appropriate, the Administrator may consider other measures designed to mitigate the loss of trees by restoring all or parts of the forest landscape and its associated benefits. Measures may include, but are not limited to:
  - (i) Creation of wildlife snags from trees which would otherwise be removed;
  - (ii) Replacement of certain ornamental trees with native shrubs and groundcover;
  - (iii) Replacement of hazardous or short-lived trees with healthy new trees more likely to survive;
  - (iv) Daylighting and restoration of stream corridors with native vegetation;
  - (v) Protection of nonsignificant trees to provide for the successional stages of forest development.
- (6) Tree Replacement Guidelines and Requirements.
  - (a) When individual trees or tree stands are protected, replacement trees should be planted to re-establish or enhance tree clusters where they previously existed;
  - (b) Where possible, replacement trees should be planted within critical areas or buffers, provided that the proposed planting conforms to the requirements for mitigation of critical areas in Chapter 20D.140 RCDG, Critical Areas. Replacement trees may be planted within an existing NGPA, where the Administrator determines that such planting enhances and complements existing vegetation and environmental functions;
  - (c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;
  - (d) Replacement trees shall be located away from areas where damage is likely, based on the standards in RCDG 20D.80.20-070(3)(g), Grading and Proximity to Structures, Utilities and Roadways;



- (e) Replacement trees shall be located to provide screening of the development from adjacent properties, where appropriate;
  - (f) Replacement trees shall be planted in areas that connect or are adjacent to native growth protection areas or other open space, where appropriate;
  - (g) Replacement trees shall be integrated into the required landscape plans, if any, for a development; and
  - (h) Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees maturation and maintenance requirements.
- (7) Relocation of Trees
- (a) Trees designated as significant may be relocated to a new location on the property under the direction of a certified arborist;
  - (b) With written permission, significant trees may be relocated to another private property or city owned property under the direction of a certified arborist;
  - (c) Relocated trees, meeting the standards above, shall count toward the host property's 35 percent tree retention requirement; and
  - (d) Trees relocated to an offsite property shall be exempt from requirements for tree retention plans, recording, bonding or other assurances.

090

**Exceptions.**

- (1) Exceptions Authorized. Where exceptional conditions that prevent full compliance with Section 060, Tree Protection Standards, and/or Section 080, Tree Replacement, the applicant may request an exception. A request for any exception shall be submitted in writing by the property owner for consideration by the Administrator, and shall accompany the application for a permit reviewed under this division. The written request shall fully state all substantiating facts and evidence pertinent to the exception request, and include supporting maps or plans. The Administrator may also require the recommendation of a certified arborist in reviewing an exception request.
- (2) Exception Criteria. An exception shall not be granted unless criteria (2)(a) through (2)(c) of this section are satisfied:
  - (a) The exception is necessary because:
    - (i) There are special circumstances related to the size, shape, topography, location or surroundings of the subject property; or

- (ii) Strict compliance with the provisions of this code may jeopardize reasonable use of property; or
  - (iii) Proposed vegetation removal, replacement, and any mitigative measures proposed are consistent with the purpose and intent of the regulations; or
  - (iv) The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity; or
  - (v) The strict compliance with the provisions of this code would be in conflict with the increased density of urban centers and result in development that would be inconsistent with the adopted vision for the neighborhood.
- (b) If an exception is granted below the required minimum retention standard of 35 percent, tree replacement shall be at a minimum of three trees for each significant tree removed. Tree replacement ratios may be modified for master plans within urban centers to allow for 1:1 replacement when accompanied by a three tier vegetative replacement plan.
- (c) Native Growth Protection Areas (NGPA). Trees within an established native growth protection area shall not be removed, except when removal has its specified purpose:
- (i) To remedy a hazardous tree;
  - (ii) To establish a nonmotorized trail as part of a private environmental interpretation program or City of Redmond trail system;
  - (iii) To relocate or consolidate existing trails for the purpose of controlling human impacts to vegetation;
  - (iv) To stabilize slopes;
  - (v) To add or restore native plants;
  - (vi) To control and replace non-native vegetation;
  - (vii) To restore degraded watercourses or wetlands; or
  - (viii) To implement a City of Redmond long-term restoration or management plan.
- (d) Proposed tree removal, replacement, and any mitigation proposed are consistent with the purpose and intent of this division.

**100**

#### **Maintenance.**

- (1) All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Administrator in a subsequent permit.
- (2) Cutting and Pruning.

- (a) Protected trees shall not be topped.
- (b) Street trees, on all streets specified in the City of Redmond Street Tree Plan, shall be cut or pruned only under the supervision of the City of Redmond Parks Department.
- (c) Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree.
- (d) Excessive pruning shall not be allowed unless necessary to protect life and property. (Ord. 1998)

**110 Performance Assurance.**

Performance assurance shall be required for the following actions:

- (1) Tree Protection Assurance. The applicant shall post a performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree protection measures. The amount of this bond shall equal 150 percent of the City's estimated cost of replacing each protected tree. The estimated cost per tree shall be the tree base fee established by City Council. Prior to issuance of the certificate of occupancy, or in the case of short plats, plats, or binding site plans, prior to the City's final approval of the mylars for recording, any protected tree found to be irreparably damaged, severely stressed or dying shall be replaced according to the standards identified under RCDG 20D.80.20-130(1), Remediation. The bonding period shall be five years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the protected trees will survive.
- (2) Tree Maintenance Assurance. Where replacement trees are required pursuant to this section, the applicant shall post a replacement tree maintenance bond or other acceptable security device to ensure the survival of replacement trees. The amount of the maintenance bond shall equal 150 percent the cost of plant material, periodic fertilizing and pruning, and labor until tree survival is ensured. Where possible, the bond may be combined with the landscape maintenance bond, required by Chapter 20D.80.10 RCDG, Landscaping and Natural Screening, which shall include a security covering 10 percent of the cost of the remaining plant materials. In the event a required replacement tree becomes irreparably damaged, severely stressed or dies, the tree shall be replaced according to the standards in Section 080, Tree Replacement. Replacement trees damaged due to natural disasters such as wind storms, hail, ice or snow storms, earthquakes and the like shall be exempt from replacement. The bonding period shall be three years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the replacement trees will survive.

- (3) The required performance assurances shall be submitted prior to issuance of the land use permit for which the tree protection or replacement measures are required. The required maintenance assurances shall be submitted prior to certificate of occupancy or, in the case of short plats, plats, and binding site plans, prior to the City's final approval of the mylars for recording.
- (4) The applicant shall provide an estimate of the costs associated with the required performance bond or other security as described above. In lieu of an applicant's estimate, the performance assurance shall be equal to City Staff's best estimate of possible costs to meet the above requirements. In no case shall the performance assurance exceed an amount equal to two and one-half times the current cost of replacing the plants in accordance with Section 080, Tree Replacement.
- (5) The performance assurances shall not be fully released without final inspection and approval of completed work by the City, submittal of any post-construction evaluations or following any prescribed trial maintenance period required in the permit.
- (6) Performance assurances provided in accordance with this section may be redeemed in whole or in part by the City of Redmond upon determination by the Administrator that the applicant has failed to fully comply with approved plans and/or conditions. (Ord. 1998)

**120 Enforcement.**

- (1) Application. This section shall apply in addition to the provisions of Chapter 1.14 RMC, Enforcement and Penalties.
- (2) Remediation. Any person who removes a tree in violation of the conditions of a tree removal permit or in violation of this division shall be subject to remedial measures. For the purpose of code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be the diameter of the top of the stump. The following provisions shall apply in instances where such remedial measures are required:
  - (a) The applicant shall satisfy the permit provisions as specified in Section 020, Permits Required.
  - (b) Remedial measures must conform to the purposes and intent of this division. In addition, remedial measures must meet the standards specified in Section 080, Tree Replacement, except that the number of replacement trees for significant trees damaged, destroyed or removed shall be as follows:

Size of removed tree	Number of replacement trees required
6"	2
Greater than 6" – 9"	3

Greater than 9" – 12"	4
Greater than 12" – 16"	5
Greater than 16"	6

Replacement trees shall be replanted with trees as follows:

Deciduous 3 inches in diameter (d.b.h.)  
Evergreen 12 feet in height

- (c) Remedial measures must be completed within the time frame specified by the Administrator.
  - (d) The cost of any remedial measures necessary to correct violation(s) of this division shall be borne by the property owner and/or applicant. Upon the applicant's failure to implement required remedial measures, the Director may redeem all or any portion of any security submitted by the applicant to implement such remedial measures, pursuant to the provisions of RCDG 20D.80.20-080, Performance Assurance.
- (2) Penalties. The Administrator may impose a penalty of up to \$3,000 per tree for removal of or damage to significant trees in violation of this division.

## Noise Standards

10	Purpose.
20	Applicability.
30	Prohibited Noise.
40	Identification of Noise Environments and Maximum Permissible Noise Levels.
50	Exceptions.
60	Restrictions on Residential Development Adjacent to Arterials.
70	Arterial Improvement Requirements.
80	Measurement of Sound.
90	Testing of Generators.

### **010 Purpose.**

- (1) The purpose of this chapter is to:
  - (a) To promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the environment through the level of noise; and
  - (b) Minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and general welfare.
- (2) It is also the City's intent to regulate noise as a nuisance or public disturbance in addition to any other means of regulation or enforcement established in this chapter. Regulation of nuisance and public disturbance noises is set forth in Chapter 9.42 RMC.

### **020 Applicability.**

These standards shall apply to all noise generated on lands located within the Redmond City limits.

### **030 Identification of Noise Environments and Maximum Permissible Noise Levels.**

- (1) *Environmental Designation for Noise Abatements (EDNA)* are established based on consideration of historical, present and future land use of each zoning district.
- (2) No person shall cause or permit sound to intrude onto the real property of another person that exceeds the maximum permissible sound levels established by this chapter. The point of measurement shall be anywhere within the receiving property.

- (3) Maximum permissible noise levels are given below and are consistent with State requirements (Chapter 70.107 RCW and Chapter 173-60 WAC):

Table 1: Maximum Permissible Noise Levels

EDNA of Noise Source (Land Use Zones)	EDNA of Receiving Property (Land Use Zones)			
	Class A (All R zones & RA-5)		Class B (UR, NC, GC, OV, DT, ODD)	Class C (MP, I, BP, OBAT)
	Daytime 7:00 a.m.-10:00 p.m.	Nighttime 10:00 p.m.-7:00 a.m.		
Class A	55 dBA	45 dBA	57 dBA	60 dBA
Class B	57 dBA	47 dBA	60 dBA	65 dBA
Class C	60 dBA	50 dBA	65 dBA	70 dBA

Legend

EDNA = Environmental Designation for Noise Abatement

dBA = decibels

**040 Prohibited Noise.**

- (1) General Prohibition. Unless otherwise specified, no person or thing shall make noise exceeding the maximum permissible noise levels required by this chapter.
- (2) Recurrent or Continuous Noise.
  - (a) For receiving properties within a Class A Environmental Designation for Noise Abatement (EDNA), noise from the recurrent or continuous use or operation of stationary equipment or appliances shall not be perceptible by a person without the aid of amplifying instruments, at any point of any boundary line of the receiving property. This subsection applies whether the noise is generated within or outside a Class A EDNA if the receiving property is within a Class A EDNA. Commercial equipment, including emergency generators, shall comply with this subsection. Measures shall be taken to reduce noise, such as relocating, enclosing or screening the noise source, limiting the hours of operation, or other similar measures.
  - (b) This subsection shall not apply to nonresidential emergency generators that existed on or before December 24, 1998. New or replacement nonresidential emergency generators shall comply with this subsection.

- (c) This subsection shall not apply to sounds listed in 050, Exceptions, or any sound that is less than a 45 dBA noise level between 7:01 a.m. and 10:00 p.m. or 35 dBA noise level between 10:01 p.m. and 7:00 a.m. This subsection also shall not apply to manufacturing or industrial uses that existed on or before December 24, 1998.
- (3) Specific Prohibitions. The following are examples of activities declared to be loud, excessively noisy and in violation of this section:
- (a) The use of any fixed or mobile device or loudspeaker outside a building for commercial advertising purposes or for the purposes of attracting attention to any performance, show, or sale or display of merchandise, where the sound may be heard from any public street, park, or public place. Nothing in this section is intended to prohibit incidental sounds emanating from a sports, entertainment, or public event or ice cream vending vehicles.
  - (b) The sale of anything by outcry within an area of the City zoned primarily for residential uses.
  - (c) The owning or keeping of any animal which causes a noise disturbance by frequent or habitual howling, barking, or other noise making. This section also applies to all private or public facilities, including any animal pounds and kennels that hold or treat animals.
  - (d) The repair, modification or testing of any motor vehicle, off-road motor vehicle, motorized watercraft in or near a residential use district in such a manner as to cause a noise disturbance or violate the provisions of this chapter.
  - (e) The operation of any loudspeaker or other source of sound in a place of indoor public entertainment which exceeds 85 dBA at any point normally occupied by a person, without a conspicuous and legible sign located outside near the entrance which states:

**Warning!**

Sound Level Inside May Cause Permanent Hearing Impairment

- (f) The creation of unnecessary or unusually loud noises within the vicinity of a school, hospital, nursing home, court of law, or other areas where quiet is necessary to achieve the objective of this chapter.

**050**

**Exceptions.**

The following are exceptions to the maximum permitted noise levels established in RCDG 30:



- (1) Exceptions at Any Time. The following sounds are exceptions to the provisions of this chapter at any time:
- (a) The maximum permitted noise levels as established in 040 may be exceeded by five dBA for a total of 15 minutes in any one-hour period, or 10 dBA for a total of five minutes in any one-hour period, or 15 dBA for a total of 1.5 minutes in any one-hour period.
  - (b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
  - (c) Sounds created by railroad trains engaged in interstate commerce or mass transit.
  - (d) Sounds created by warning devices not operating continuously for more than five minutes.
  - (e) Sounds created by bells, chimes, and carillons.
  - (f) Sounds created by safety and protective devices where noise suppressions would defeat the intent of the device or is not economically feasible.
  - (g) Sounds originating from City-approved parades and other public events.
  - (h) Sounds caused by natural phenomena and unamplified human voices.
  - (i) Sounds caused by motor vehicles when regulated by Chapter 173-62 WAC.
  - (j) Sounds from the startup of refinery boilers.
  - (k) Sounds caused by emergency equipment and work necessary in the interests of law enforcement or for the safety, health or welfare of the community. Nothing in this section shall be construed to permit law enforcement, ambulance, fire or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary.
  - (l) Sounds caused by residential generators when operating in an emergency. Commercial generators are not included as an exception.
  - (m) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways except when such sounds are received in residential zones (Class A EDNA).
- (2) Daytime Exceptions. The following may exceed the maximum permissible noise levels of 040 on weekdays between the hours of 7:00 a.m. and 10:00 p.m., and on weekends between the hours of 9:00 a.m. and 10:00 p.m.

- (a) Sounds originating from residential property related to temporary projects for the maintenance or repair of homes, grounds and appurtenances.
  - (b) Sounds from new construction, additions or remodels of single-family homes and accessory structures in residential zones (Class A) caused by the homeowner. Sounds from construction by hired contractors shall be limited to the hours specified in subsection (5)(b) of this section.
  - (c) Sounds created by the discharge of firearms at authorized shooting ranges.
  - (d) Sounds created by motorized watercraft.
  - (e) Sounds from the installation or repair of essential utility services.
  - (f) Sounds originating from forest harvesting and silvicultural activities.
  - (g) Sounds created by blasting.
- (3) Twenty-Four-Hour Residential Zone Exceptions. Within residential zones (Class A EDNA), the following activities are subject to the daytime maximum permissible noise levels at all times (24 hours a day):
- (a) Sounds created by existing electrical substations and stationary equipment used to convey water, wastewater or natural gas by a utility.
  - (b) Sounds created by sources in industrial and manufacturing districts which, over the previous three years, have consistently operated in excess of 15 hours per day as demonstrated routine or as a consequence of process necessity. Changes in working hours or activity, which would increase the noise allowed under this exception, require the approval of the Administrator.
- (4) Manufacturing Park Land Rezoned to Residential Zone Exceptions. Manufacturing Park land that is rezoned to a residential zone on or after the effective date of the ordinance codified in this section shall be considered Class C receiving property and Class A source property for the purpose of calculating maximum permissible noise levels. Interior portions (residences and associated indoor space) of a residential development shall be required to achieve noise attenuation to 45 dBA through insulation, site design, or other methods.
- (5) Construction Noise Exceptions.
- (a) Sounds from temporary construction may exceed the maximum permissible noise levels between the hours of 7:00 a.m. and 10:00 p.m. unless it impacts residential zones (Class A EDNA).

- (b) Construction noise that impacts residential zones (Class A EDNA) has the following restricted hours unless it is for single-family home repair, maintenance or construction and meets the requirements set forth in subsections (2)(a) and (2)(b) of this section:

Monday through Friday:	7:00 a.m. to 7:00 p.m.
Saturdays:	9:00 a.m. to 6:00 p.m.
Sunday or Legal Holiday:	Prohibited

(Legal holidays for enforcement of this subsection shall be limited to New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, the day after Thanksgiving and Christmas.)

- (c) The point of measurement shall be at the property boundary of the receiving property or anywhere within the receiving property.
- (d) The Administrator, or the Technical Committee for street and utility projects, may authorize expanded hours of temporary construction if at least one of the following criteria is met:
- (i) Construction is necessary to accommodate transportation improvements or other work within the right-of-way, or construction on schools and essential government facilities which cannot be undertaken during exempt hours. In considering expanded hours for street and utility projects, the Technical Committee shall evaluate the project duration, potential noise impacts, traffic and safety impacts and cost of the project with and without expanded hours. If expanded hours are necessary, the Director of Public Works shall cause a public notice board to be posted to inform neighboring property owners of the scope and duration of the construction project. The size, shape, and other characteristics of the public notice board shall be reasonably calculated to provide the required notice, as determined by the Public Works Director
  - (ii) Emergency work.
  - (iii) Sounds caused by construction will not exceed the maximum permissible noise levels contained in 040.

060

#### **Restrictions on Residential Development Adjacent to Arterials.**

- (1) This section applies to all residential short plats, subdivisions, and multi-family projects (five or more units) proposed after December 24, 1998.
- (2) For all residential short plats, subdivisions, and multi-family projects proposed within 100 feet of an arterial or state highway that has an existing or projected traffic volume of

20,000 or more average daily trips, the applicant shall include sound attenuation measures in the site design and/or the design and construction plans of the structure(s).

- (3) The applicant shall demonstrate that proposed measures provide sound attenuation and that the methods go beyond standard building construction practices. Measures that reduce noise at the site, such as building location, design, berms, noise attenuating fences, and barriers, to help mitigate outside noise exposure shall be used whenever practical in preference to measures which only protect interior spaces. Noise walls over eight feet in height shall be avoided unless all other mitigation measures are determined infeasible and impractical. Blank walls shall be prohibited. The Technical Committee shall approve appropriate methods for reducing noise levels.

070

#### **Arterial Improvement Requirements.**

- (1) This section applies to arterial and state highway improvement projects in residential zones (Class A EDNA).
- (2) In residential zones (Class A EDNA), arterial and state highway improvement projects, not including the addition of walkways, bicycle lanes and minor widening (such as turn lanes), must include a noise analysis of the affected environment by a qualified noise consultant if:
  - (a) The existing or projected noise level exceeds 67 dBA peak noise hour Leq; or
  - (b) The projected exterior noise level as a result of the project is estimated to increase beyond 67 dBA peak noise hour Leq; or
  - (c) The exterior noise level is expected to increase by five dBA or more as a result of the project.
- (3) The point of exterior noise level measurement for purposes of this section will be five feet above existing grade anywhere along a parallel line 60 feet on either side of the arterial centerline.
- (4) Noise mitigation measures intended to reduce exterior noise levels to 67 dBA peak noise hour Leq or lower shall be determined by the Technical Committee. Measures such as location, design, setbacks, earthen berms, landscaping and berm/wall barriers shall be used instead of tall, linear, blank walls. Use of noise walls shall be limited or avoided if other feasible measures are available. If noise walls are determined to be necessary, they shall be located to maximize effectiveness and designed to avoid a long, linear, blank appearance. Noise walls shall be limited to the lowest effective height, combined with earthen berms where feasible, screened by landscaping, modulated, and constructed with durable and decorative materials. If additional funding is necessary, the Technical Committee shall make a recommendation to the City Council. The criteria for evaluating noise mitigation measures are:

- (a) Whether reasonable noise mitigation measures are available which will reduce exterior noise levels by five dBA or more; and
- (b) Whether the financial impacts of noise mitigation measures are not disproportionate to the overall cost of the arterial improvement project; and
- (c) Whether benefited property owners contribute to the cost of mitigation, provided that this factor only applies if existing exterior noise levels exceed 67 dBA peak noise hour Leq; and
- (d) Whether the benefited community is supportive of noise mitigation measures.

**080 Measurement of Sound.**

- (1) Sound Level Meter. If the measurement of sound is made with a sound level meter, the instrument shall be in good operating condition and shall meet the requirements for a Type I or Type II instrument, as described in the current American National Standards Institute Specifications.
- (2) Location of Measurement. Unless otherwise specified, the point of measurement shall be at the property boundary of the receiving property or anywhere within it.
- (3) More Than One EDNA. Where a receiving property lies within more than one EDNA, the maximum permissible noise level shall be determined by the most sensitive EDNA.
- (4) Technical Corrections. When the location, distance or technique prescribed in this chapter for measurement of sound is impractical or would yield misleading or inaccurate results, measurements shall be taken at other locations or distances using appropriate correction factors, as specified by the Administrator or a qualified noise consultant.

**90 Testing of Generators.**

Testing of emergency generators shall be limited to after 8:00 a.m. and no later than 8:00 p.m.

## CRITICAL AREAS REGULATIONS

### 10 Critical Areas.

#### 10-010 Purpose.

The purposes of this chapter are to:

- (1) Preserve the City's important environmental features while allowing development to occur if compatible with and in consideration of these critical areas;
- (2) Assure the conservation and protection of critical areas from loss or degradation by classifying and designating the same, and to restrict land uses and development which are incompatible with environmentally critical areas;
- (3) Achieve no net loss of core preservation areas within fish and wildlife habitat conservation areas, which includes riparian corridors, and minimize impact to and retain character of quality habitat areas, and protect species of concern, priority species, and species of local importance;
- (4) Avoid wetland impacts and achieve a goal of no net loss of wetland function, value and acreage; and where possible enhance and restore wetlands;
- (5) Achieve no net loss of structure, value, and functions of natural systems within frequently flooded areas and to employ no net impact floodplain management in order to avoid impacts to upstream and downstream properties and substantial risk and damage to public and private property and loss of life;
- (6) *Protect critical aquifer recharge areas by avoiding land use activities that pose potential contamination; and to minimize impacts to recharge areas through the application of strict performance standards;*
- (7) Avoid and minimize potential impacts to life and property from geologic hazards such that sites are rendered as safe as one not containing such hazard through appropriate levels of study and analysis, application of sound engineering principles, and regulation or limitation of land uses;
- (8) Avoid impacts to critical areas and preserve the functions of critical areas. In appropriate circumstances, impacts to specified critical areas resulting from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this chapter;

- (9) By limiting development and alteration of critical areas:
- (a) Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;
  - (b) Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
  - (c) Direct activities not dependent on critical area resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and
  - (d) Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas;
- (10) Provide standards, guidelines, and criteria to guide application of these critical areas goals and policies when considered with other goals and policies of the Redmond Community Development Guide, including those pertaining to natural features and environmental protection;
- (11) Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's SEPA rules;
- (12) Protect critical areas in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals; and
- (13) Coordinate environmental review and permitting of proposals to avoid duplication and delay.

**10-015 Findings.**

The City finds that:

- (1) Redmond contains certain areas that can be identified and characterized as environmentally sensitive or critical. Such areas within the City include fish and wildlife habitat conservation areas, wetlands, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas, and their associated buffers.
- (2) Past growth patterns have in some cases contributed in natural disasters which threaten public health and safety, and that by preventing development on certain critical areas the City can better maintain public health, safety and welfare. In addition, by preserving

features that provide for clean water, fisheries, and wildlife, the City can help maintain a positive ecological balance that provides for the immediate and long-term public welfare.

(3)

Critical areas perform a variety of valuable and beneficial biological and physical functions that benefit the City and its residents. Some types of critical areas may also pose a threat to human safety or to public and private property. The functions of critical areas include the following:

- (a) Fish and Wildlife Habitat Conservation Areas. Wildlife areas are ecosystems composed of unique interacting systems of soils, geology, topography, and plant and animal communities. They consist of land-based areas and aquatic areas.

Wildlife habitat provides opportunities for food, cover, nesting, breeding and movement for fish and wildlife within the City; maintains and promotes diversity of species and habitat within the City; helps to maintain air and water quality; controls erosion; serves as areas for recreation, education and scientific study and aesthetic appreciation; and provides neighborhood separation and visual diversity within urban areas.

Riparian corridors are essential for wild fish populations. Healthy riparian zones are dynamic ecosystems that perform various functions that form salmonid habitat. Some of the major functions include: producing and delivering large and small woody debris to shorelines and stream channels; shoreline protection and habitat formation; removing sediments and dissolved chemicals from water; moderating water temperature; providing favorable microclimate; providing habitat for terrestrial animals; and providing proper nutrient sources for aquatic life. Additionally, aquatic areas and their associated buffers store and convey storm water and floodwater; recharge groundwater; and serve as areas for recreation, education and scientific study and aesthetic appreciation. The City's overall goal shall be no net loss of riparian corridor functions and values.

- (b) Wetlands. Wetlands are fragile ecosystems which serve a number of important beneficial functions. Wetlands assist in the reduction of erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats. Wetlands destruction and impairment may result in increased public and private costs or property losses.

Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.



- (c) Frequently Flooded Areas. Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Floodplains help to store and convey storm water and flood water; recharge ground water; provide important areas for riparian habitat; and serve as areas for recreation, education, and scientific study. Development within floodplain areas can be hazardous to those inhabiting such development, and to those living upstream and downstream. Floods also cause substantial damage to public and private property that result in significant costs to the public and individuals.
  - (d) Critical Aquifer Recharge Areas. Potable water is an essential life-sustaining element. Aquifer recharge areas provide a source of potable water and contribute to stream discharge during periods of low flow. Certain portions of the City's planning area are susceptible to contamination of drinking water and watercourse supplies through rapid infiltration of pollutants through the soil to ground water aquifers.  
Wellhead Protection Zones 1, 2, and 3 are designated as critical aquifer recharge areas under the provisions of the Growth Management Act (Chapter 36.70A RCW) and are established based on proximity to and travel time of groundwater to the City's public water source wells.
  - (e) Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in or near areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas should be avoided.
- (4) Identification, regulation and protection of critical areas are necessary to protect the public health, safety and general welfare.
  - (5) This section of the Redmond Community Development Guide contains standards, guidelines, criteria and requirements intended to identify, analyze, preserve and mitigate potential impacts to the City's critical areas and to enhance and restore degraded resources, such as wetlands, riparian stream corridors or habitat, where possible.

**10-020****Applicability – Regulated Activities.**

- (1) The provisions of this chapter shall apply to any activity that has a potential to significantly adversely impact a critical area or its established buffer unless otherwise exempt. Such activities include but are not limited to:
  - (a) Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;
  - (b) Dumping, discharging or filling with any material;
  - (c) Draining, flooding or disturbing the water level or water table;
  - (d) Driving pilings or placing obstructions;
  - (e) Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure that results in disturbance of a critical area or the addition of any impervious surface coverage to a site;
  - (f) Destroying or altering vegetation through clearing, grading, harvesting, shading or planting vegetation that would alter the character of a critical area;
  - (g) Activities that result in significant changes in water temperature, physical or chemical characteristics of water sources, including quantity and pollutants; and
  - (h) Any other activity that has a potential to significantly adversely impact a critical area or established buffer not otherwise exempt from the provisions of this chapter;
  - (i) With regard to frequently flooded areas, the provisions of this chapter shall apply to any activity that would result in change to the flood storage capacity of a floodplain or flood fringe area, or cause an increase in the base flood elevation, unless otherwise exempt.
- (2) To avoid duplication, Types I, II, III, IV, V, and VI Permits shall be subject to and coordinated with the requirements of this chapter.
- (3) For the purposes of this chapter, “department” shall mean the City of Redmond Department of Planning and Community Development and “committee” shall mean the City of Redmond Technical Committee.

**10-030 Exemptions.**

- (1) The following activities shall be exempt from the provisions of this chapter:

- (a) Existing and ongoing agricultural activities provided no alteration of flood storage capacity or conveyance occurs and the activity does not adversely affect critical areas, and existing and on-going agricultural activities identified in a farm plan approved by both the King County Conservation District and the City;
- (b) Activities involving artificially created wetlands or streams intentionally created from nonwetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands, streams or swales created as mitigation or that provide habitat for salmonid fishes;
- (c) Activities occurring in areas of 40 percent slope or greater with a vertical elevation change of up to 10 feet based upon City review of a soils report prepared by a geologist or geotechnical engineer which demonstrates that no significant adverse impact will result from the exemption;
- (d) Normal and routine maintenance, operation and reconstruction of existing roads, streets, utilities and associated rights-of-way and structures; provided, that reconstruction of any structures may not increase the impervious area, remove flood storage capacity, or further encroach into a critical area or its buffer;
- (e) Normal maintenance and repair, and reconstruction or remodeling of residential or commercial structures, or legal pre-existing and on-going uses of the site; provided, that reconstruction of any structures may not increase the size of the previously approved building footprint (see subsection (5) of this section);
- (f) Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the critical area shall be the minimum necessary to carry out the work or studies and provided that the area is restored to its previous condition;
- (g) Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, and birdwatching that will not have a significant adverse effect on the critical area;
- (h) Emergency activities necessary to prevent an immediate threat to public health, safety or property;
- (i) Normal and routine maintenance and operation of existing landscaping and gardens provided they comply with all other regulations in this chapter;
- (j) Construction of pedestrian trails which are permeable, have a maximum width of six feet, and are located in the outer 25 percent of the buffer;
- (k) Minor activities not mentioned above and determined by the Department to have minimal impacts to a critical area;

- (l) Previously legally filled wetlands or wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway, or wetlands accidentally created by other human actions within 20 years of the date the development application is filed. The latter shall be documented by the applicant through photographs, statements, and/or other evidence;
  - (m) Activities affecting Category IV wetlands which are 250 square feet in size or smaller and hydrologically isolated;
  - (n) Installation, construction, replacement, repair or alteration of utilities and their associated facilities, lines, pipes, mains, equipment or appurtenances in improved City road rights-of-way and provided that the area is restored to its previous condition;
  - (o) Removal of non-native vegetation providing removal is accomplished using hand methods and that removal is in compliance with this chapter. Hand removal does not include using mechanical equipment such as weed wackers, mowers, power hedges, or other similar devices. This does not include the use of herbicides.
- (2) Notwithstanding the exemptions provided by this section, any otherwise exempt activities occurring in or near a critical area should meet the purpose and intent of RCDG 20D.140.10-010 and should consider on-site alternatives that avoid or minimize significant adverse impacts.
  - (3) Exempt activities occurring in flood hazard areas shall not alter flood storage capacity or conveyance.
  - (4) With the exception of subsections (1)(a), (1)(g), (1)(h), and (1)(i) of this section, and normal maintenance and repair of residential and commercial structures as in subsection (1)(e) of this section, no property owner or other entity shall undertake exempt activities prior to providing 10 days' notice to the Department. In case of any question as to whether a particular activity is exempt from the provisions of this section, the Department's determination shall prevail and shall be confirmed in writing within 10 days of receipt of the owner's or applicant's letter. Those persons performing emergency activities falling under subsection (1)(h) of this section shall provide telephone or written communication with the Department within 48 hours of the activity notifying such emergency activity was taken.
  - (5) Structures shall be allowed to be reconstructed if destroyed more than 50 percent of its assessed or appraised value (whichever is greater) if located in a buffer. Reconstruction of the structure shall not further encroach into the buffer area or increase the building footprint. Structures that are nonconforming solely due to the provisions of this chapter shall not be governed by RCDG 20F.10.50, Nonconformances.

#### **10-040 Critical Areas Maps.**

- (1) Critical Areas Generally. The following critical areas maps are adopted and included as a part of this chapter:

- (a) Fish and Wildlife Habitat Conservation Areas;
  - (b) Streams;
  - (c) Wetlands;
  - (d) Frequently Flooded Areas;
  - (e) Wellhead Protection Zones;
  - (f) Landslide Hazard Areas;
  - (g) Erosion Hazard Areas; and
  - (h) Seismic Hazard Areas.
- (2) These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of critical areas shall be determined in the field by a qualified consultant according to the procedures, definitions, and criteria established by this chapter. In the event of any conflict between the critical area location and designation shown on the City's map and the criteria or standards of this section, the criteria and standards shall prevail.

**10-050 Relationship to Other Regulations.**

- (1) These critical area regulations shall apply as an overlay and in addition to zoning, land use and other regulations established by the City of Redmond. In the event of any conflict between these regulations and any other regulations of the City, the regulations which provide greater protection to environmentally critical areas shall apply.
- (2) Areas characterized by particular critical areas may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some sensitive or critical areas. Wetlands, for example, may be defined and regulated according to the wetland and fish and wildlife habitat conservation area provisions of this chapter. In the event of any conflict between regulations for particular critical areas in this chapter, the regulations which provide greater protection to environmentally critical areas shall apply.
- (3) Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required.

**10-060 Permit Process and Application Requirements.**

- (1) Pre-Application Conference. All applicants are encouraged to meet with the City prior to submitting an application subject to this section. The purpose of this meeting shall be to discuss the City's critical area requirements, processes and procedures; to review any conceptual site plans prepared by the applicant; to identify potential impacts to critical areas and appropriate mitigation measures; and to generally inform the applicant of any

federal or state regulations applicable to the subject critical area. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the City. The pre-application conference provided for in this section shall be consolidated with any pre-application conference held on any land use permit application.

(2) Application Requirements.

(a) Timing of Submittals. A critical areas report, if applicable, must be submitted to the City during application submittal. This is a required component of determining application completeness. The purpose of the report is to determine the extent, characteristics and functions of any critical areas located on or that have a potential to be significantly adversely impacted by activities on a site where regulated activities are proposed. The report will also be used by the City to assist in the determination of the appropriate critical area rating and establishment of appropriate buffer requirements in accordance with this chapter.

(b) Critical Areas Report Contents. Reports and studies required to be submitted by this chapter shall contain the information indicated in Appendix 20D-2 of the Zoning Code, Critical Areas Reporting Requirements, applicable to each critical area.

(3) Consultant Qualifications and City Review. All reports and studies required of the applicant by this section shall be prepared by a qualified consultant as that term is defined in the Chapter 20A.20 of the Zoning Code, Definitions. The City may, at its discretion and at the applicant's expense, retain a qualified consultant to review and confirm the applicant's reports, studies and plans.

(4) Permit Process. This section is not intended to create a separate critical areas permit process for development proposals. The City shall consolidate and integrate the review and processing of critical areas aspects of proposals with other land use and environmental considerations and approvals.

**10-070 Alteration or Development of Critical Areas – Standards and Criteria.**

Standards and criteria are set forth in subsequent sections of this chapter.

**10-080 General Mitigation Standard.**

All significant adverse impacts to critical areas functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the following sequence:

- (1) Avoiding the impact altogether by not taking a certain action or parts of actions;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

- (3) Rectifying the impact to the critical area by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing or providing substitute resources or environments; and/or
- (6) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

**10-090 Other Appropriate Mitigation Actions.**

Where impacts cannot be avoided, and the applicant has exhausted feasible design alternatives, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this chapter. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in subsequent sections of this chapter.

**10-100 Proposed Developments.**

Development proposed in critical areas shall incorporate and reflect the performance standards contained in subsequent sections of this chapter.

**20D.140.10-110 Mitigation Standards, Criteria and Plan Requirements.**

- (1) Mitigation Performance Standards. Significant adverse impacts to critical area functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RCDG 20D.140.10-080. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:
  - (a) All feasible and reasonable measures will be taken to reduce impacts and losses to the critical area, or to avoid impacts where avoidance is required by these regulations; and
  - (b) The restored, created or enhanced critical area or buffer will be as viable and persistent as the critical area or buffer area it replaces; and
  - (c) In the case of wetlands and riparian stream corridors, no overall net loss will occur in wetland or riparian stream corridor functions and values.
- (2) Location and Timing of Mitigation.
  - (a) Mitigation shall be provided on-site, unless on-site mitigation is not scientifically feasible due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.

- (b) When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of the permitted activity on property owned or controlled by the applicant, such as an easement, provided such mitigation is beneficial to the critical area and associated resources.
- (c) In-kind mitigation shall be provided except when the applicant demonstrates and the Department concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.
- (d) Only when it is determined by the Department that subsections (2)(a), (b) and (c) of this section are inappropriate and impractical shall off-site, out-of-kind mitigation be considered.
- (e) When wetland or riparian stream corridor mitigation is permitted by these regulations on-site or off-site, the mitigation project shall occur near an adequate water supply (river, stream, ground water, storm water facility outfall) with a hydrologic connection to the critical area to ensure successful development or restoration.
- (f) Any agreed upon mitigation proposal shall be completed concurrently with project construction, unless a phased schedule that assures completion prior to occupancy has been approved by the Department.
- (g) Wetland acreage replacement ratios shall be as specified in Section 20D.140.30-030(7)(b) of the Zoning Code.
- (h) Restored or created riparian stream corridors, where permitted by these regulations, shall be an equivalent or higher riparian stream corridor value or function than the altered riparian stream corridor.
- (i) All off-site mitigation shall be provided within the Redmond city limits.

#### **10-120 Performance Standards for Mitigation Planning.**

The performance standards noted in subsequent sections of this chapter shall be incorporated into mitigation plans submitted to the City for impacts to critical areas. Mitigation plans shall contain the information indicated in Appendix 20D-2 of the Zoning Code, Critical Areas Reporting Requirements.

#### **10-130 Approved Mitigation Projects – Signature.**

On completion of construction, any approved mitigation project must be signed off by the applicant's qualified consultant and approved by the Department. Signature will indicate that the construction has been completed as planned.

#### **10-140 Approved Mitigation Projects – Contingency Planning.**



Approved mitigation projects shall implement the monitoring and contingency planning requirements of Section 20D.140.10-150 of the Zoning Code. (Ord. 2259)

**10-150                      Monitoring Program and Contingency Plan.**

- (1) A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.
- (2) A contingency plan shall be established for correction in the event that the mitigation project is inadequate or fails. A performance and maintenance bond or other acceptable security device is required to ensure the applicant's compliance with the terms of the mitigation agreement. The bond or other security shall meet the requirements set forth in Section \_\_\_\_ of the Zoning Code.
- (3) Monitoring programs prepared to comply with this chapter shall reflect the following guidelines:
  - (a) Use scientific procedures for establishing the success or failure of the project;
  - (b) For vegetation determinations, permanent sampling points shall be established;
  - (c) Vegetative success equals 80 percent per year survival of planted trees and 80 percent cover of shrubs, groundcover and emergent species and less than 20 percent cover of invasive species;
  - (d) Submit monitoring reports on the current status of the mitigation project to the Department. The reports are to be prepared by a qualified consultant and reviewed by the City and shall be produced on the following schedule: 30 days after planting; early in the growing season of the second year; end of the growing season of the second year; and annually thereafter;
  - (e) The monitoring reports shall contain the following information on monitoring method and monitoring components, as relevant:
    - (i) Vegetation Monitoring: Methods shall include counts, photopoints, random sampling, sampling plots, transects, visual inspections, and/or other means deemed appropriate by the Department and a qualified consultant. Vegetation monitoring components shall include general appearance, health, mortality, colonization rates, percent cover, percent survival, volunteer plant species, invasive weeds, and/or other components deemed appropriate by the Department and a qualified consultant.
    - (ii) Water Quantity Monitoring: Methods shall include piezometers, sampling points, stream gauges, visual observation, and/or other means deemed appropriate by the Department and a qualified consultant. Water quantity monitoring components shall include water level, peak flows, soil saturation depth, soil moisture within root zone, inundation, overall water

coverage, and/or other components deemed appropriate by the Department and a qualified consultant.

- (iii) Water Quality Monitoring: Methods shall include testing, plant indicators, and/or other means deemed appropriate by the Department and a qualified consultant. Water quality monitoring components shall include temperature, pH, dissolved oxygen, total suspended solids, total metals, herbicides, pesticides, and/or other components deemed appropriate by the Department and a qualified consultant.
  - (iv) Wildlife Monitoring: Methods shall include visual sightings, aural observations, nests, scat, tracks, and/or other means deemed appropriate by the Department and a qualified consultant. Wildlife monitoring components shall include species counts, species diversity, breeding activity, habitat type, nesting activity, location, usage, and/or other components deemed appropriate by the Department and a qualified consultant.
  - (v) Geomorphic Monitoring: Methods shall include cross-sectional surveys, profile surveys, point surveys, photo-monitoring, and/or other means deemed appropriate by the Department and a qualified consultant. Monitoring components shall include location and effect of large woody debris, depth and frequency of pools, bank erosion, channel migration, sediment transport/deposition, structural integrity of weirs, and/or other components deemed appropriate by the Department and a qualified consultant.
- (f) Monitoring programs shall be established for a minimum of five years;
  - (g) If necessary, correct for failures in the mitigation project;
  - (h) Replace dead or undesirable vegetation with appropriate plantings;
  - (i) Repair damages caused by erosion, settling, or other geomorphological processes to all affected properties and structures, both on and off the property;
  - (j) Redesign mitigation project (if necessary) and implement the new design; and
  - (k) Correction procedures shall be approved by a qualified consultant and the Department. (Ord. 2259)

#### 10-160

#### Buffer Areas.

- (1) The establishment of buffer areas may be required for development proposals and activities in or adjacent to critical areas. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or sensitive lands. Buffers shall consist of an undisturbed area of native vegetation established to

achieve the purpose of the buffer. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved planting plan. Buffers shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls.

- (2) Required buffer widths shall reflect the sensitivity of the particular critical area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area.
- (3) See individual critical areas regulations in Sections 20D.140.20-020, 20D.140.30-020, and 20D.140.60-020 of the Zoning Code for required buffer widths.
- (4) A residential lot approved in a subdivision that has designated streams or wetlands and their associated buffer in either a Native Growth Protection Area or Native Growth Protection Easement established at plat approval shall be allowed to be improved honoring the wetland and stream buffers already established in the plat.

#### **10-180**

#### **General Critical Area Protective Measures.**

- (1) Critical Area Markers and Signs.
  - (a) The boundary at the outer edge of critical areas tracts and easement shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.
  - (b) The boundary at the outer edge shall be identified with temporary signs prior to any site disturbance. The temporary signs shall be replaced with permanent signs prior to occupancy or use of the site. The number and spacing of permanent signs shall be designated by the Planning Department.
- (2) Critical Area Fencing. In order to inform subsequent purchasers of real property of the location of the critical area buffer boundaries and to discourage encroachment into that buffer, the developer of the property shall install split-rail fencing or a similar fencing approved by the Department along the boundary of the critical area.
- (3) Notice on Title.
  - (a) In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall file a notice with the King County Department of Records and Elections. The notice shall state the presence of the critical area or buffer on the property, of the application of the Critical Areas Ordinance to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the land.

- (b) The applicant shall submit proof that the notice has been filed for public records before the City approves a building permit or, in the case of subdivision of land or binding site plans, at or before recording.

(4) Critical Areas Tracts.

- (a) Critical areas tracts, or other mechanisms as deemed appropriate by the Department, shall be used to delineate and protect contiguous critical areas and buffers. Areas in critical areas tracts can be included in determining gross site density, floor area ratios, and other area and dimensional regulations for five or fewer lots. Critical area tracts may not be used through the preliminary plat process to credit lot area and dimensional regulations for proposed residential lots..
- (b) Critical areas tracts shall be recorded on all documents of title or record for all affected lots.
- (c) Critical areas tracts shall be designated on the face of the plat or recording drawing in a format provided by the City Attorney.
- (d) The City may require that any required critical areas tract be held in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowner's association, or other legal entity which assures the ownership, maintenance, and protection of the tract. (Ord. 2259)

**10-190 Critical Areas Reasonable Economic Use Exception - Private Property.**

These standards and regulations are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. Any private property owner who claims that strict application of these standards would deny all reasonable economic use of their property may apply for an exception under Section \_\_\_\_\_, Critical Areas Reasonable Economic Use Exception - Private Property.

**10-200 Critical Areas Reasonable Use Exception - Public Project.**

- (1) Any public agency or City department claiming that strict application of these standards would deny construction of a public project may apply for a Critical Areas Reasonable Use Exception - Public Project under Section \_\_\_\_ of the Zoning Code.

**20 Fish and Wildlife Habitat Conservation Areas.**

**Classification and Rating of Fish and Wildlife Habitat Conservation Areas.**

- (1) The Growth Management Act identifies fish and wildlife habitat conservation areas. These areas include:
- (a) Areas with which species of concern have a primary association.
    - (i) Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.
    - (ii) State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the State of Washington identified by the Washington State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The Washington State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status. Included, also, are state candidate species which include fish and wildlife species that the Washington Department of Fish and Wildlife will review for possible listing as endangered, threatened, or sensitive.
  - (b) State priority habitats and areas associated with state priority species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the Washington State Department of Fish and Wildlife.
  - (c) Habitats and species of local importance. Habitats and species of local importance are those identified by the City of Redmond, including those that possess unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. The City Council shall formally designate habitats and species of local importance, if any, through the Development Guide amendment process.

- (d) Naturally occurring ponds under 20 acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.
  - (e) Waters of the state. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, and other surface waters and watercourses within the jurisdiction of the State of Washington, as classified in WAC 222-16-031.
  - (f) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.
  - (g) Land essential for preserving connections between habitat blocks and open spaces.
- (2) To promote consistent application of the standards and requirements of this chapter, fish and wildlife habitat conservation areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.
- (a) Core Preservation Areas. Core preservation areas include those areas of the City which are already protected through other regulatory mechanisms. They include native growth protection easements, Class I streams and their buffers, and Class II through IV streams and other areas similarly protected. They may also include lands where development rights have been sold and some lands with recorded open space easements, depending on the purpose of the easement. The core preservation area includes wetlands and streams and their associated buffers as they become identified at a site-specific level.
  - (b) Species Protection. Species of concern, priority species, and species of local importance shall be protected through management recommendations. "Species of concern" includes those species listed as state endangered, threatened, sensitive, or candidate, as well as those species listed or proposed for listing by the federal government. Priority species are those species considered to be priorities for conservation and management and are identified in the Washington Department of Fish and Wildlife Priority Habitat and Species (PHS) List. In Redmond, "species of local importance" refers to the Great Blue Heron.
  - (c) Quality Habitat Areas. As sites are assessed for development, the Department shall evaluate each site for the presence of quality habitat using the following methodology. Sites will be qualitatively scored based upon several parameters indicative of habitat qualities. These parameters include size, community

diversity, interspersed (spatial patterns), continuity, forest vegetation layers, forest age, and invasive plants. This assessment will allow the City to identify remaining quality habitat in the City, to protect remaining quality habitat by imposition of the performance standards outlined in RCDG 20D.140.20-070 so long as there is no significant adverse economic impact to the developer, and to provide incentives to preserve such quality habitat.

- (d) Riparian Stream Corridors. Riparian stream corridors include Class I through IV streams and adjacent riparian habitat areas (stream buffers). Streams shall be designated Class I, Class II, Class III, and Class IV according to the criteria in this subsection. When more than one classification is present in short alternating segments on the property in question it will be classified according to the stream class which is more restrictive.
  - (i) "Class I" are those streams identified as "Shorelines of the State" under the City of Redmond Shoreline Master Program.
  - (ii) "Class II" are those natural streams that are not Class I and are either perennial or intermittent and have salmonid fish use or the potential for salmonid fish use.
  - (iii) "Class III" are those natural streams that are not Class I or Class II and are either perennial or intermittent and have one of the following characteristics:
    - (A) Nonsalmonid fish use or the potential for nonsalmonid fish use; or
    - (B) Headwater streams with a surface water connection to salmon bearing or potentially salmon bearing streams (Class I or II).
  - (iv) Class IV" are those natural streams that are not Class I, Class II, or Class III. They are either perennial or intermittent, do not have fish or the potential for fish, and are nonheadwater streams.
  - (v) Intentionally Created Streams. These are manmade streams defined as such in these regulations, and do not include streams created as mitigation. Purposeful creation must be demonstrated to the Committee through documentation, photographs, statements and/or other evidence. Intentionally created streams may include irrigation and drainage ditches, grass-lined swales, or other artificial watercourses unless they are used by salmonid fish or created for the purpose of stream mitigation.
- (e) Classification of fish and wildlife habitat conservation areas shall be determined by the Department based on consideration of the following factors:
  - (i) Maps adopted pursuant to this chapter, including the fish and wildlife habitat conservation area core preservation areas map and stream classification map. This map shall be used as a general guide only for the

assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of fish and wildlife habitat conservation areas and streams shall be determined in the field by a qualified consultant according to the procedures, definitions, and criteria established by this chapter. In the event of any conflict between the critical area location and designation shown on the City's map and the criteria or standards of this section, the criteria and standards shall prevail;

- (ii) Department of Fish and Wildlife priority habitat and species maps;
- (iii) Anadromous and resident salmonid distribution maps contained in the habitat-limiting factors reports published by the Washington State Conservation Commission;
- (iv) Federal and state information and maps related to species of concern;
- (v) *Application of the criteria contained in these regulations; and*
- (vi) Consideration of the technical reports submitted by qualified consultants in connection with the applications subject to these regulations.

**20-020 Stream Buffers.**

- (1) Stream buffers shall be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include, but are not limited to, protection of instream fish habitat through control of temperature and sedimentation in streams; preservation of fish and wildlife habitat; and connection of riparian wildlife habitat to other habitats.
- (2) Stream buffers shall be measured from the ordinary high water mark.
- (3) The following stream buffers are established for streams:

Riparian Stream Corridor Classification	Stream Buffer Width (feet)
Class I	
• Sammamish River north of PSE powerline crossing	• 150' inner buffer + 50' outer buffer
• Sammamish River south of PSE powerline crossing	• 150'
• Bear Creek west of Avondale Road	• 150'
• Bear Creek east of Avondale Road	• 150' inner buffer + 50' outer buffer
• Evans Creek	• 150' inner buffer + 50' outer buffer



Class II	100' + 50' outer buffer
Class III	100'
Class IV	
• Perennial	• 36'
• Intermittent	• 25'

- (4) Increased Stream Buffer Widths. The recommended stream buffer widths may be increased as follows:
- When the Department determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat areas;
  - When the frequently flooded area exceeds the recommended stream buffer width, the stream buffer shall extend to the outer edge of the frequently flooded area;
  - When the stream buffer is within a landslide hazard area or its buffer, the stream buffer shall be the recommended distance, or the landslide hazard area buffer, whichever is greater. Similarly if the stream buffer is within an erosion hazard area, the stream buffer shall be the recommended distance or the extent of the erosion hazard area.
- (5) Reduced Stream Buffer Widths. Stream buffer widths must meet the required width as described in the table in subsection (3) of this section. This does not refer to stream buffer width averaging. See below provisions under which stream buffer width averaging is permitted.
- (6) Stream Buffer Width Averaging. The Director may allow the recommended stream buffer width to be reduced in accordance with best available science only if:
- The width reductions will not reduce stream or habitat functions, including those of nonfish habitat;
  - The width reduction will not degrade the habitat, including habitat for salmonid fisheries;
  - The proposal will provide additional habitat protection;
  - The total area contained in the stream buffer area after averaging is no less than that which would be contained within the standard stream buffer area; and
  - The buffer width is not reduced to less than 25 percent of the standard stream buffer width or 25 feet, whichever is greater.

- (7) For Class I and II streams, buffer averaging may be applied to the inner buffer. The following provisions apply to the inner buffer:
- (a) The width of the inner buffer shall not be reduced below 75 percent of the required inner buffer width at any point;
  - (b) Encroachment shall not occur into the buffer of an associated wetland;
  - (c) The area of the inner buffer after averaging shall be equivalent to the area of the inner buffer prior to averaging;
  - (d) There is a net improvement in overall buffer ecological functions; and
  - (e) Averaging shall not preclude the opportunity for future recovery of structure and function.
- (8) For Class I and II streams, maximum clearing and grading within the outer 50-foot buffer is 35 percent of the outer buffer area. Nothing in this provision shall be construed to require remediation of existing situations where the current clearing and grading is in excess of 35 percent. No net effective impervious surface may be created within this area.
- (9) No structures or improvements shall be permitted within the stream buffer, including buildings, decks, and docks, except as otherwise permitted or required under the City's adopted Shoreline Master Program, or under one of the following circumstances:
- (a) When the improvements are part of an approved rehabilitation or mitigation plan; or
  - (b) For construction of new road crossings and utilities, and accessory structures, when no feasible alternative location exists; or
  - (c) Trails, according to the following criteria:
    - (i) Constructed of permeable materials;
    - (ii) Designed to minimize impact on the stream system;
    - (iii) Of a maximum trail corridor width of six feet; and
    - (iv) Located within the outer half of the buffer, i.e., the portion of the buffer that is farther away from the stream;
- See also Section 20D.150.180 of the Zoning Code, Shoreline Access, for trail construction in shorelines of the state;
- (d) Footbridges; or
  - (e) Minor educational facilities, such as informational signs; or

- (f) Storm water conveyance systems, provided that they are designed to maintain the buffers' functions and values; or
  - (g) When improvements are part of an approved plan consistent with the no net effective impervious surface provisions of (8) above.
- (10) Businesses currently located in the stream buffers may continue to operate. A nonconforming use may be expanded provided the expansion does not create significant additional impacts to the stream buffers. Nonconforming structures may be maintained and repaired and may be enlarged or expanded provided said enlargement does not extend the structure closer to the riparian stream corridor.
  - (11) Where an approved City capital improvement project moves the ordinary high water mark of a stream from its pre-project location, the buffer width for adjacent properties shall continue to be measured from the pre-capital improvement project ordinary high water mark.
  - (12) Nothing in this section shall be construed to require the removal of existing structures within stream buffers.

**20-030                      Alteration of Fish and Wildlife Habitat Conservation Areas – Generally.**

Alteration of fish and wildlife habitat conservation areas may only be permitted subject to the criteria in Sections 20D.140.20-050 and 20D.140.20-060, 20D.140.30-030, 20D.140.40-030, 20D.140.50-030, and 20D.140.60-040 of the Zoning Code.

**20-040                      Alteration of Riparian Stream Corridors.**

- (1) Relocation of a Class I, II, or III riparian stream corridor in order to facilitate general site design will not be allowed. Relocation of these riparian stream corridors may take place only when it is part of an approved mitigation or rehabilitation plan, and will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream.
- (2) Bridges shall be used to cross Class I streams.
- (3) Culverts are allowable only under the following circumstances:
  - (a) Only in Class II, III, and IV streams;
  - (b) When fish passage will not be impaired;
  - (c) When the design criteria of the Washington State Department of Fish and Wildlife, Design of Road Culverts for Fish Passage, 2003, are met; and
  - (d) The applicant or successors shall, at all times, keep any culvert free of debris and sediment to allow free passage of water and, if applicable, fish.

- (4) Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft armoring techniques in accordance with an approved critical areas report.
- (5) Construction of roads and minor road bridging may be permitted in accordance with an approved critical areas report subject to the following:
  - (a) There is no other feasible alternative route with less impact on the environment;
  - (b) The crossing minimizes interruption of downstream movement of wood and gravel;
  - (c) Roads in riparian habitat areas shall not run parallel to the water body;
  - (d) Crossings, where necessary, shall only occur as near to perpendicular with the waterbody as possible;
  - (e) Mitigation for impacts is provided pursuant to an approved mitigation plan; and
  - (f) Road bridges are designed according to the Department of Fish and Wildlife Design of Culverts for Fish Passage, 2003, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000.
- (6) The City may require that a stream be removed from a culvert as a condition of approval, unless the culvert is not detrimental to fish habitat or water quality, or removal would be detrimental to fish or wildlife habitat or water quality.

**20-050                      Alteration of Fish and Wildlife Habitat Conservation Areas.**

- (1) Alterations that create adverse impacts to core preservation areas shall be avoided, subject to Section 20D.140.10-190, Critical Areas Reasonable Economic Use Exception - Private Project, and Section 20D.140.10-200, Critical Areas Reasonable Use Exception - Public Project.
- (2) Species Protection. Species management recommendations for development impacting species of concern, priority species, and species of local importance shall be implemented. Management recommendations are based on the following factors: species recommendations of the Washington State Department of Fish and Wildlife; recommendations contained in the wildlife study submitted by a qualified consultant; and the nature and intensity of land uses and activities occurring on the site and on adjacent sites.
- (3) Alteration of Quality Habitat Areas. Fish and Wildlife Habitat Conservation Area Performance Standards, Section 20D.140.20-070, shall apply to quality habitat areas unless application of such standards would result in a significant adverse economic impact on the owner or developer.

**20-060                      Riparian Stream Corridor Performance Standards.**

The following standards apply to riparian stream corridor restoration and enhancement:

- (1) Use plants indigenous to the region (not introduced or foreign species);
- (2) Use plants adaptable to a broad range of water depths;
- (3) Plants should be commercially available or available from local sources;
- (4) Plant species high in food and cover value for fish and wildlife must be used;
- (5) Plant mostly perennial species;
- (6) Avoid committing significant areas of the site to species that have questionable potential for successful establishment;
- (7) Plant selection must be approved by a qualified consultant;
- (8) Substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals or solid/hazardous wastes) inorganic/organic materials;
- (9) Planting densities and placement of plants should be determined by a qualified consultant and shown on the design plans;
- (10) The planting plan must be approved by the Department;
- (11) Confine stockpiling to upland areas and ensure contract specifications should limit stockpiling of earthen materials to durations in accordance with City clearing and grading standards, unless otherwise approved by the Committee;
- (12) Planting instructions shall be submitted which describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
- (13) Apply controlled release nonphosphorus fertilizer at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process);
- (14) Install an irrigation system, if necessary, for the initial establishment period;
- (15) Construction specifications and methods must be approved by a qualified consultant and the Department;
- (16) Construction management should occur by a qualified consultant and be inspected by the City; and
- (17) Limit the use of pesticides near streams.

**20D.140.20-070 Fish and Wildlife Habitat Conservation Area Performance Standards.**

The following standards shall apply to all sites where a species protected under this chapter has been identified. These standards shall also apply to sites where quality habitat has been identified

unless application of any of these standards would result in a significant adverse economic impact on the owner or developer.

- (1) Relevant performance standards from Sections 20D.140.20-060 and 20D.140.30-040 of the Zoning Code, as determined by the Department, shall be incorporated into mitigation plans.
- (2) The following additional mitigation measures shall be reflected in mitigation planning:
  - (a) Consider habitat in site planning and design;
  - (b) Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;
  - (c) Integrate retained habitat into open space and landscaping, consistent with the provisions of Section 20D.80.10 of the Zoning code;
  - (d) Where possible, consolidate habitat and vegetated open space in contiguous blocks;
  - (e) Locate habitat contiguous to other habitat, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas;
  - (f) Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;
  - (g) Emphasize heterogeneity and structural diversity of vegetation in landscaping;
  - (h) Remove and/or control any noxious weeds or animals as defined by the City; and
  - (i) Preserve significant trees, preferably in groups, consistent with Section 20D.80.20 and with achieving the objectives of these standards.
- (3) Landscape plan shall be submitted consistent with the requirements of Section 20D.80.10-040 of the Zoning Code and with the goals and standards of this chapter. The plan shall reflect the report prepared pursuant to Section 20D.140.10-060.

## **20D.140.30 Wetlands.**

### **30-010 Classification and Rating of Wetlands.**

To promote consistent application of the standards and requirements of this chapter, wetlands within the City of Redmond shall be classified according to their characteristics, function and value, and/or their sensitivity to disturbance. Wetlands shall be rated and regulated according to the categories defined by the Washington State Department of Ecology Wetland Rating System

for Western Washington (Ecology Publication No. 04-06-025) as revised. This document contains the methods for determining the wetland category.

- (1) Wetland Classification. Wetlands, as defined by this chapter, shall be designated Category I, Category II, Category III, and Category IV.
  - (a) Category I wetlands are those wetlands that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime, or provide a high level of functions. All wetlands with one or more of the following criteria shall be considered a Category I wetland:
    - (i) Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNE as high quality, relatively undisturbed wetlands, or wetlands that support state listed threatened or endangered plants; or
    - (ii) Bogs; or
    - (iii) Mature and old-growth forested wetlands over one acre in size; or
    - (iv) Wetlands that provide a very high level of functions as evidenced by a score of 70 points or more on the Western Washington Rating System form.
  - (b) Category II wetlands are those wetlands that provide high levels of some functions which are difficult to replace. Category II wetlands meet the following criteria:
    - (i) Wetlands scoring between 51 to 69 points on the Western Washington Rating System form; or
    - (ii) Wetlands that do not meet the criteria of Category I.
  - (c) Category III wetlands are those wetlands that provide a moderate level of functions. They are typically more disturbed and have less diversity or are more isolated from other natural resources in the landscape. Category III wetlands meet the following criteria:
    - (i) Wetlands scoring between 30 to 50 points on the Western Washington Rating System form; or
    - (ii) Wetlands that do not meet the criteria of Category I.
  - (d) Category IV wetlands are those wetlands that provide the lowest level of function. These wetlands score less than 30 points on the Western Washington Rating System form.

- (2) Classification of wetlands shall be determined by the Committee based on consideration of the following factors:
- (a) Maps adopted pursuant to this chapter, including the wetland map, which identifies the approximate location and extent of wetlands. This map shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of wetlands shall be determined in the field by a qualified consultant according to the procedures, definition, and criteria established by this chapter. In the event of any conflict between the critical area location and designation shown on the City's map and the criteria or standards of this section, the criteria and standards shall prevail;
  - (b) National Wetlands Inventory Maps prepared by the U.S. Fish and Wildlife Service;
  - (c) Application of the criteria contained in these regulations; and
  - (d) Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulations.

**20D.140.30-020 Wetland Buffers.**

- (1) Required buffer widths shall reflect the sensitivity of the particular wetland or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area.
- (2) Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the DOE Wetland Manual. Wetland buffers shall be established as follows:

Wetland Category and Characteristics	Buffer Width (feet) by Impact of Land Use* (see below)	Other Measures Recommended for Protection
<b>Category I</b>		
Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas. Restore degraded parts of buffer.
High level of function for habitat (score for habitat 29 – 36 pts.)	Low: 150	Maintain connectivity to other natural areas. Restore degraded parts



	Moderate: 225 High: 300	of buffer.
Moderate level of function for habitat (score for habitat 20 – 28 pts.)	Low: 75 Moderate: 110 High: 150	No recommendations at this time.
High level of function for water quality improvement (24 – 32 pts.) and low for habitat (less than 20 pts.)	Low: 50 Moderate: 75 High: 100	No additional discharges of untreated runoff.
Not meeting any of the above criteria	Low: 50 Moderate: 75 High: 100	No recommendations at this time.
<b>Category II</b>		
High level of function for habitat (score for habitat 29 – 36 pts.)	Low: 150 Moderate: 225 High: 300	Maintain connectivity to other natural areas.
Moderate level of function for habitat (score for habitat 20 – 28 pts.)	Low: 75 Moderate: 110 High: 150	No recommendations at this time.
High level of function for water quality improvement and low for habitat (score for water quality 24 – 32 pts.; habitat less than 20 pts.)	Low: 50 Moderate: 75 High: 100	No additional discharges of untreated runoff.
Not meeting above criteria	Low: 50 Moderate: 75	No recommendations at this time.

	High: 100	
Category III		
Moderate level of function for habitat (score for habitat 20 – 28 pts.)	Low: 75 Moderate: 110 High: 150	No recommendations at this time.
Not meeting above criteria	Low: 40 Moderate: 60 High: 80	No recommendations at this time.
Category IV		
Score for functions less than 30 pts.	Low: 25 Moderate: 40 High: 50	No recommendations at this time.

\* Consistent with the Department of Ecology classification system identified above, high, medium and low impact land uses are defined as follows:

- (a) High impact land uses include: commercial, industrial, institutional, retail sales, high-intensity recreation (golf courses, ball fields), and residential uses with a density of more than one dwelling unit per acre.
  - (b) Medium impact land uses include residential uses with a density of one unit per acre or less, moderate-intensity open space (parks), and paved trails.
  - (c) Low impact land uses include: low-intensity open space (such as passive recreation and natural resources preservation) and unpaved trails.
- (3) The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be that required for the category of the wetland.
  - (4) *Increased Buffer Widths.* The Department may extend the width of the buffer in accordance with the recommendations of a qualified wetland professional and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics.

- (5) Reduction of Buffer Widths. The Department may allow the standard wetland buffer width to be reduced in accordance with the best available science on a case-by-case basis when it is determined that a smaller area is adequate to protect the wetland functions and values based on site-specific characteristics.
- (a) Reduction in buffer width based on reducing the intensity of impacts from proposed land uses. The buffer widths recommended for land uses with high-intensity impacts to wetlands can be reduced to those widths recommended for moderate-intensity impacts under the following conditions:
- (i) For wetlands that score moderate or high for habitat (20 points or more), the width of the buffer around the wetland can be reduced if both of the following criteria are met:
- (A) A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetlands and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the priority habitat via some type of legal protection such as a conservation easement; and
- (B) Measures to minimize the impacts of different land uses on wetlands, such as those developed by the Department of Ecology under BAS, are applied.
- (ii) For wetlands that score less than 20 points for habitat, the buffer width can be reduced to that required for moderate land use impacts if measures to minimize the impacts of different land uses on wetlands, such as those developed by the Department of Ecology under BAS, are applied.
- (b) Reductions in buffer widths where existing roads or structures lie within the buffer. Where a legally established, nonconforming use of the buffer exists, proposed actions in the buffer may be permitted as long as they do not increase the degree of nonconformity. In terms of wetlands, this means no increase in the impacts to the wetland from activities in the buffer.
- (c) Subsection (7) below does not apply when using this reduction in buffer width provision.
- (6) Wetland Buffer Width Averaging. Wetland buffer widths may be modified by averaging buffer widths as set forth herein. The Department may allow modification of the standard wetland buffer width in accordance with the best available science on a case-by-case basis by averaging buffer widths. Averaging buffer widths may only be allowed where a qualified wetland professional demonstrates that:
- (a) It will not reduce the functions or values;

- (b) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
  - (c) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
  - (d) The buffer width is not reduced more than 25 percent of the width or 50 feet, whichever is less, except for buffers between Category IV wetlands and low- or moderate-intensity land uses.
- (7) Buffer widths may be reduced by buffer width reduction or buffer width averaging as stated above. However, the use of either of these mechanisms or a combination of these mechanisms shall not result in a buffer width less than 75 percent of the standard buffer required as identified in subsection (2) of this section.
- (8) Storm water management facilities, such as biofiltration swales and outfalls, may be located within the outer 25 percent of the buffer; provided, that no other location is feasible, and the location of such facilities will not degrade the functions or values of the wetland. Storm water ponds must be located outside of the required buffer. Underground vaults are also permitted within the outer 25% of the buffer provided that the maintenance access area lies outside of the buffer and the area above the vault is planted with native vegetation.

### 30-030

#### Alteration of Wetlands.

- (1) Wetland alteration shall result in no net loss of wetland area, except where the following criteria are met:
- (a) The lost wetland area provides minimal functions and the mitigation action(s) results in a net gain in wetland functions as determined by a site-specific assessment; or
  - (b) The lost wetland area provided minimal functions as determined by a site-specific functional assessment and other replacement habitats provide greater benefits to the functioning of the watershed, such as riparian habitat restoration and enhancement.
- (2) Category I Wetlands. Alterations of Category I wetlands shall be prohibited subject to the reasonable use provisions of this chapter.
- (3) Category II, III, and IV Wetlands.
- (a) Any proposed alteration and mitigation shall comply with the mitigation performance standards and requirements of these regulations; and
  - (b) No net loss of wetland function and value may occur.

- (c) Where enhancement or replacement is proposed, ratios shall comply with the requirements of subsection (7) of this section.
- (4) Mitigation for alterations to wetlands shall achieve equivalent or greater biological functions. Mitigation plans shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State, Part 2: Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, April, 2004, as revised.
- (5) Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost except when:
  - (a) The filled/impacted wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment plan or protocol; or
  - (b) Out-of-kind replacement will best meet formerly identified regional goals, such as replacement of historically diminished wetland types.
- (6) Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:
  - (a) Preserving high-quality wetlands that are under imminent threat.
  - (b) Restoring wetlands on upland sites that were formerly wetlands.
  - (c) Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species.
  - (d) Enhancing significantly degraded wetlands.
- (7) Wetland Replacement Ratios.
  - (a) Where wetland alterations are permitted by the City, the applicant shall restore or create areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors, and projected success of restoration or creation.
  - (b) When creating or enhancing wetlands, the following acreage replacement ratios shall be used:

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation (Restoration)	Re-establishment or Creation (R/C) and Enhancement	Enhancement Only
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Category I Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I based on score	4:1	8:1	1:1 R/C and 6:1 E	16:1
Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

(c) Increased Replacement Ratio. The Department may increase the ratios under the following circumstances:

- (i) Uncertainty exists as to the probable success of the proposed restoration or creation; or
- (ii) A significant period of time will elapse between impact and replication of wetland functions; or
- (iii) Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
- (iv) The impact was an unauthorized impact.

(d) Decreased Replacement Ratio. The Department may decrease these ratios under the following circumstances:

- (i) Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
- (ii) Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
- (iii) The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

(e) Enhanced and created wetlands shall be appropriately classified and buffered.

**30-040**

**Wetlands Performance/Design Standards.**

- (1) Use plants indigenous to the Pacific Northwest region (not introduced or foreign species);
- (2) Use plants adaptable to a broad range of water depths;

- (3) Plants should be commercially available or available from local sources;
- (4) Plant species high in food and cover value for fish and wildlife must be used;
- (5) Avoid committing significant areas of the site to species that have questionable potential for successful establishment;
- (6) Plant selection must be approved by a qualified wetland specialist;
- (7) Water depth is not to exceed six and one-half feet (two meters);
- (8) The grade or slope that water flows through the wetland is not to exceed six percent for wetland creation sites;
- (9) Slopes within the wetland basin and the buffer zone may not be steeper than 3:1 (horizontal to vertical) for wetland creation sites;
- (10) Substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals or solid/hazardous wastes) inorganic/organic materials for wetland creation sites;
- (11) Planting densities and placement of plants should be determined by a qualified wetland professional and shown on the design plans;
- (12) The planting plan must be approved by the Department;
- (13) Confine stockpiling to upland areas and ensure contract specifications limit stockpiling of earthen materials to durations in accordance with City clearing and grading standards, unless otherwise approved by the Committee;
- (14) Planting instructions shall be submitted which describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
- (15) Apply controlled release non-phosphorus fertilizer at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process);
- (16) Install an irrigation system, if necessary, for the initial establishment period;
- (17) Construction specifications and methods must be approved by a qualified consultant and the Department; and
- (18) Construction management should occur by a qualified consultant and be inspected by the City.

## **40 Frequently Flooded Areas.**

**Classification and Rating of Frequently Flooded Areas.**

To promote consistent application of the standards and requirements of this chapter, frequently flooded areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

(1) Frequently Flooded Areas Classifications. Frequently flooded areas shall be classified according to the criteria in this section.

- (a) Floodplain. The total area subject to inundation by the base flood (the flood that has a one percent chance of occurring in any given year).
- (b) Flood Fringe. The portion of the floodplain outside of the floodway which is generally covered by flood waters during the base flood; it is generally associated with standing water rather than rapidly flowing water.
- (c) FEMA Floodway. The channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the FEMA base flood flow without increasing the FEMA base flood elevation more than one foot.
- (d) Zero-Rise Floodway. The channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without increasing the base flood elevation. The zero-rise floodway will always include the FEMA floodway.

(2) Classification of frequently flooded areas shall be determined by the Committee based on consideration of the following factors:

- (a) Maps adopted pursuant to this chapter including the frequently flooded areas map, which identifies the approximate location and extent of the 100-year floodplain. This map shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of frequently flooded areas shall be determined in the field by a qualified consultant according to the procedures, definitions, and criteria established by this chapter. In the event of any conflict between the critical area location and designation shown on the City's map and the criteria or standards of this section, the criteria and standards shall prevail.

The City will employ hydrologic models to define the extent of the zero-rise floodway. If the zero-rise floodway has not yet been defined for the property in question, the applicant will be responsible for modeling the base flood elevation and delineating the extent of the zero-rise floodway, consistent with the assumptions in the Bear Creek Basin Plan as adopted by the City. In the absence of a City hydrologic model, FEMA data will be acceptable;

- (b) Flood Insurance Rate Maps published by the Federal Emergency Management Agency;



- (c) Application of the criteria contained in these regulations; and
- (d) Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulations.

**40-020                      Alteration of Frequently Flooded Areas.**

Alteration of frequently flooded areas may only be permitted subject to the criteria in Sections 20D.140.20-040 through 20D.140.20-050, 20D.140.30-030, 20D.140.40-030, 20D.140.50-020, and 20D.140.60-040 of the Zoning Code.

**20D.140.40-030            Flood Hazard Areas – Development Standards.**

- (1) Flood Hazard Areas Generally. For all new structures or substantial improvements, the applicant must provide certification by a qualified consultant of the actual as-built elevation of the lowest floor, including basement, and, if applicable, the actual as-built elevation to which the structure is flood-proofed. If the structure has a basement, this must be indicated.
- (2) The Flood Fringe Outside the Zero-Rise Floodway.
  - (a) Except for downtown development along the Sammamish River in the 100-year floodplain from the Puget Sound Energy transmission line crossing to SR 520, development shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity which would reduce the effective storage volume must be mitigated by creating compensatory storage on the site. Off-site compensatory storage may be permitted if binding legal arrangements assure that the effective compensatory storage volume will be preserved over time.
  - (b) No structure shall be allowed which would be at risk due to stream bank destabilization including that associated with channel relocation or meandering.
  - (c) All elevated construction must be designed and certified by a professional structural engineer registered in the State of Washington and must be approved by the City prior to construction.
  - (d) Subdivisions, short subdivisions, binding site plans, site plan review, special development permits, and general development permits shall follow the following requirements:
    - (i) New building lots shall contain 3,600 square feet or more of buildable land outside the zero rise floodway and building setback lines shall be shown on the face of the plat to restrict permanent structures to the area so defined;
    - (ii) All utilities and facilities such as sewer, gas, electrical, telephone, cable communications and water systems shall be located and constructed consistent with subsection (2)(i) of this section;

- (iii) Base flood data and flood hazard notes shall be shown on the face of the recorded plat, including, but not limited to, the base flood elevation, required flood protection elevations, and the boundaries of the floodplain and the floodway, if determined; and
- (iv) The following note shall be recorded with the King County Department of Records and Elections for all affected lots:

NOTICE

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.

- (e) New residential construction and substantial improvement shall meet the following criteria:
  - (i) The lowest floor shall be elevated to the flood protection elevation.
  - (ii) Portions of the building that are below the flood protection elevation shall not be fully enclosed. The areas below the lowest floor shall be designed to automatically equalize hydrodynamic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:
    - (A) Minimum of two openings on opposite walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    - (B) The bottom of all openings shall be no higher than one foot above grade.
  - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the unrestricted entry and exit of floodwaters.
- (f) New nonresidential construction and substantial improvement of any existing *commercial, industrial, or other nonresidential structure* shall meet the elevation requirements of residential construction.
- (g) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (h) For all mobile and manufactured homes, all standards for flood hazard protection for conventional residential construction shall apply. All manufactured and mobile homes must be anchored and shall be installed using methods and practices that minimize flood damage. All new and replacement water supply

systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- (i) Utilities shall meet the following criteria:
    - (i) All new and replacement utilities, including sewage treatment facilities, shall be flood-proofed to, or elevated above, the flood protection elevation.
    - (ii) New on-site sewage disposal systems shall be located outside the limits of the 100-year floodplain. The installation of new on-site sewage disposal systems in the floodplain is prohibited.
    - (iii) Sewage and agricultural waste storage facilities shall be flood-proofed to the base flood elevation plus three feet.
    - (iv) Above-ground utility transmission lines, other than electrical transmission lines, shall only be allowed for the transport of nonhazardous substances.
    - (v) Buried utility transmission lines transporting hazardous substances (as defined by the Washington State Hazardous Waste Management Act in RCW 70.105.005) shall be buried at a minimum depth of four feet below the maximum depth of scour for the base flood predicted by a professional civil engineer licensed by the State of Washington and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
  - (j) Critical facilities may be allowed within the flood fringe of the floodplain. All such proposed uses shall be evaluated as part of the underlying land use permit. Critical facilities constructed within the flood fringe shall have the lowest floor elevated to three or more feet above the base flood elevation. Flood-proofing and sealing measures must be taken to ensure that hazardous or toxic substances will not be displaced by or released into floodwaters. Access routes elevated to the flood protection elevation shall be provided to all critical facilities to the nearest maintained public street or roadway located outside of the floodplain.
  - (k) The Committee shall review all development permits to determine that all necessary permits have been obtained as required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, as required by Section 60.3(a)(2) of 44 CFR.
  - (l) Storage and containment of hazardous or dangerous chemicals, substances or materials, as those terms are determined by applicable state and federal regulations, shall be prohibited; provided, that existing uses involving storage, etc., shall conform to the flood protection elevation when applying for any permit.
- (3) Development in the Zero-Rise Floodway.

- (a) Activities allowed within the zero-rise floodway must conform to the requirements of this section, as well as the requirements that apply to the flood fringe outside the zero-rise floodway as identified in subsection (2) of this section.
- (b) No development activity shall reduce the effective storage volume of the floodplain.
- (c) No development, including permitted new construction or reconstruction, shall cause any increase in the zero-rise base flood elevation.
- (d) No temporary structures or storage of materials hazardous to public health, safety and welfare shall be permitted in the zero-rise floodway.
- (e) Construction of new residential or nonresidential structures is permitted in the zero-rise floodway only in the following circumstances:
  - (i) The structure must be on a lot legally in existence at the time the ordinance codified in this chapter becomes effective;
  - (ii) The structure must be on a lot that contains less than 3,600 square feet of buildable land outside the zero-rise floodway; and
  - (iii) The structure must meet the construction standards set forth in subsections (2) and (3)(b), (3)(c), and (3)(d) of this section.
- (f) New lots that include part of the zero-rise floodway may be created only if the lots meet the requirements of subsection (2)(d) of this section and administrative rules, or are declared as nonbuilding lots on the face of the plat.
- (g) The following circumstances are presumed to produce no increase in base flood elevation and shall not require special studies to establish this fact:
  - (i) Substantial improvement on existing residential structures outside the zero-rise floodway where the building footprint is not increased.
  - (ii) Substantial improvement of an existing residential structure shall meet the requirements for new residential construction set forth in subsection (2)(e) of this section.
- (h) Reconstruction of an existing residential structure shall meet the requirements for new residential construction set forth in subsection (2)(e) of this section.
- (i) Utilities and roads are permitted in the zero-rise floodway only when no other location is practicable, or when mitigating measures achieve zero-rise floodway elevations, and shall meet the minimum criteria set forth in subsection (2)(i) of this section and the following requirements:
  - (i) Construction of sewage treatment facilities shall be prohibited.

- (ii) Utility transmission lines transporting hazardous substances shall be buried at a minimum depth of four feet below the maximum depth of scour for the base flood as predicted by a professional civil engineer licensed by the State of Washington and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
- (j) Critical facilities shall not be constructed in the zero-rise floodway.
- (k) Floodway Dependent Structures. Installations or structures that are floodway dependent may be located in the floodway; provided, that the development proposal receives approval from all other agencies with jurisdiction and meets all standards in Sections 20D.140.20-040 and 20D.140.30-030 of the Zoning Code. Such installations include but are not limited to:
  - (i) Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;
  - (ii) Flood damage reduction facilities such as levees and pumping stations;
  - (iii) Stream bank stabilization structures where no feasible alternative exists to protecting public or private property;
  - (iv) Storm water conveyance facilities subject to the requirements of the development standards for streams and wetlands, and other relevant City of Redmond development standards;
  - (v) Boat launches, docks and related recreation structures;
  - (vi) Bridge piers and abutments; and
  - (vii) Fisheries enhancement or stream restoration projects.
- (l) Development of the area located downstream of Redmond Way on Bear Creek may be allowed when (a) mitigating measures achieve zero-rise floodway elevations, or (b) when surface water elevations are not increased over one foot provided no significant unmitigated upstream, downstream, or on-site environmental impacts are created.
- (4) Development in the FEMA Floodway.
  - (a) Construction or placement of new residential or nonresidential structures is prohibited within the FEMA floodway. Shoreline protective structures, bridges, roads, trails and railroads are permitted within the FEMA floodway.
  - (b) No development subject to these regulations, including permitted new construction or reconstruction, shall cause any increase in the FEMA base flood elevation.

- (c) Substantial improvement of an existing residential structure located in the floodway must meet the requirements set out in WAC 173-158-070 as amended. Such substantial improvement is presumed to produce no increase in base flood elevation and shall not require special studies to establish this fact. (Ord. 2259)

## **50 Critical Aquifer Recharge Areas.**

### **50-010 Classification and Rating of Critical Aquifer Recharge Areas.**

To promote consistent application of the standards and requirements of this chapter, critical aquifer recharge areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

- (1) Critical Aquifer Recharge Areas Classification. Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water. Wellhead protection involves the management of activities that have a potential to degrade the quality of groundwater produced by a supply well. The City of Redmond is classified into four wellhead protection zones that are based on proximity to and travel time of groundwater to the City's public water source wells, and are designated using guidance from the Washington Department of Health Wellhead Protection Program pursuant to Chapter 246-290 WAC.
  - (a) Wellhead Protection Zone 1 represents the land area overlying the six-month time-of-travel zone of any public water source well owned by the City.
  - (b) Wellhead Protection Zone 2 represents the land area that overlies the one-year time-of-travel zone of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zone 1.
  - (c) Wellhead Protection Zone 3 represents the land area that overlies the five-year and 10-year time-of-travel zones of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zones 1 or 2.
  - (d) Wellhead Protection Zone 4 represents all the remaining land area in the City not included in Wellhead Protection Zones 1, 2, or 3.
- (2) Classification of wellhead protection zones shall be determined in accordance with the City's adopted Wellhead Protection Zone Map, which serves to designate Zones 1 through 4. The Committee, at its discretion, may consider the following factors:
  - (a) Maps adopted pursuant to this chapter;
  - (b) Application of the criteria contained in these regulations; and
  - (c) Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulations.

Alteration of critical aquifer recharge areas may only be permitted subject to the criteria in Sections 20D.140.20-040 and 20D.140.20-050, 20D.140.30-030, 20D.140.40-020, 20D.140.50-020, and 20D.140.60-040 of the Zoning Code.

**20D.140.50-030 Prohibited Activities in Wellhead Protection Zones.**

- (1) Land uses or activities for new development or redevelopment that pose a significant hazard to the City's groundwater resources resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall be prohibited in Wellhead Protection Zones 1 and 2. These land uses and activities include, but are not limited to:
- (a) On-site community sewage disposal systems, as defined in Chapter 246-272 WAC;
  - (b) Hazardous liquid pipelines as defined in Chapter 81.88 RCW and Chapter 20A.20 of the Zoning Code;
  - (c) Solid waste landfills;
  - (d) Solid waste transfer stations;
  - (e) Liquid petroleum refining, reprocessing, and storage;
  - (f) Bulk storage facilities as defined in Chapter 20A.20 of the Zoning Code;
  - (g) The storage or distribution of gasoline treated with the additive MTBE;
  - (h) Hazardous waste treatment, storage, and disposal facilities except those defined under permit by rule for industrial wastewater treatment processes per WAC 173-303-802(5)(c);
  - (i) Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals;
  - (j) Dry cleaning establishments using the solvent perchloroethylene;
  - (k) Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and non-ferrous metals from molten materials;
  - (l) Wood preserving and wood products preserving;
  - (m) Mobile fleet fueling operations;
  - (n) Class I, Class III, Class IV and the following types of Class V wells: 5A7, 5F1, 5D3, 5D4, 5W9, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and

5N24 as regulated under Chapter 90.48 RCW, and Chapters 173-200 and 173-218 WAC as amended;

- (o) Permanent dewatering of the aquifer for new projects and redevelopment;
- (p) Irrigation with graywater or reclaimed water;
- (2) Other land uses and activities that the City determines would pose a significant groundwater hazard to the City's groundwater supply.
- (3) Wellhead Protection Zones. Development within the City of Redmond shall implement the performance standards contained in Section 20D.140.50-040 that apply to the zone in which it is located. (Ord. 2259)

**20D.140.50-040 Wellhead Protection Zone Performance Standards.**

- (1) Any uses or activities locating in the City of Redmond which involve storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall comply with the following standards that apply to the zone in which they are located. Residential uses of hazardous materials or deleterious substances are exempt from the following standards.
- (2) If a property is located in more than one wellhead protection zone, the Director of Public Works shall determine which standards shall apply based on an assessment evaluation of the risk posed by the facility or activity. The assessment evaluation shall include, but not be limited to: (a) the location, type, and quantity of the hazardous materials or deleterious substances on the property; (b) the geographic and geologic characteristics of the site; and (c) the type and location of infiltration on the site.
- (3) Development within Wellhead Protection Zones 1 or 2 shall implement the following performance standards:
  - (a) Secondary Containment.
    - (i) The owner or operator of any facility or activity shall provide secondary containment for hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid or in quantities specified in the Redmond Fire Code (Chapter 15.06 RMC), whichever is smaller.
    - (ii) Hazardous materials stored in tanks that are subject to regulation by the Washington State Department of Ecology under Chapter 173-360 WAC (Underground Storage Tank Regulations) are exempt from the secondary containment requirements of this section; provided, that documentation is provided to demonstrate compliance with those regulations.
  - (b) Vehicle Fueling, Maintenance, and Storage Areas. Fleet and automotive service station fueling, equipment maintenance, and vehicle washing areas shall have a



containment system for collecting and treating all runoff from such areas and preventing release of fuels, oils, lubricants, and other automotive fluids into soil, surface water, or groundwater. Appropriate emergency response equipment and spill kits shall be kept on-site during transfer, handling, treatment, use, production, recycling or disposal of hazardous materials or other deleterious substances.

- (c) Loading and Unloading Areas. Secondary containment or equivalent best management practices, as approved by the Director of Public Works, shall be required at loading and unloading areas that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid.
- (d) Storm Water Infiltration Systems. Design and construction of new storm water infiltration systems must address site-specific risks of releases posed by all hazardous materials on-site. These risks may be mitigated by physical design means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan. Design and construction of said storm water infiltration systems shall also be in accordance with RMC 15.24.020 and the City of Redmond Technical Notebook and shall be certified for compliance with the requirements of this section by a professional engineer or engineering geologist registered in the State of Washington.
- (e) Well construction and operation shall comply with the standards in RMC 15.24.095.
- (f) Protection Standards During Construction. The following standards shall apply to construction activities occurring where construction vehicles will be refueled on-site and/or the quantity of hazardous materials that will be stored, dispensed, used, or handled on the construction site is in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid, exclusive of the quantity of hazardous materials contained in fuel or fluid reservoirs of construction vehicles. As part of the City's project permitting process, the City may require any or all of the following items:
  - (i) A development agreement;
  - (ii) Detailed monitoring and construction standards;
  - (iii) Designation of a person on-site during operating hours who is responsible for supervising the use, storage, and handling of hazardous materials and who has appropriate knowledge and training to take mitigating actions necessary in the event of fire or spill;
  - (iv) Hazardous material storage, dispensing, refueling areas, and use and handling areas shall be provided with secondary containment adequate to contain the maximum release from the largest volume container of hazardous substances stored at the construction site;

- (v) Practices and procedures to ensure that hazardous materials left on-site when the site is unsupervised are inaccessible to the public. Locked storage sheds, locked fencing, locked fuel tanks on construction vehicles, or other techniques may be used if they will preclude access;
  - (vi) Practices and procedures to ensure that construction vehicles and stationary equipment that are found to be leaking fuel, hydraulic fluid, and/or other hazardous materials will be removed immediately or repaired on-site immediately. The vehicle or equipment may be repaired in place, provided the leakage is completely contained;
  - (vii) Practices and procedures to ensure that storage and dispensing of flammable and combustible liquids from tanks, containers, and tank trucks into the fuel and fluid reservoirs of construction vehicles or stationary equipment on the construction site are in accordance with the Redmond Fire Code (Chapter 15.06 RMC); and
  - (viii) Practices and procedures, and/or on-site materials adequate to ensure the immediate containment and cleanup of any release of hazardous substances stored at the construction site. On-site cleanup materials may suffice for smaller spills whereas cleanup of larger spills may require a subcontract with a qualified cleanup contractor. Releases shall immediately be contained, cleaned up, and reported if required under RMC 13.07.120. Contaminated soil, water, and other materials shall be disposed of according to state and local requirements.
- (g) Fill Materials. Fill material shall comply with the standards in RMC 15.24.095.
  - (h) Cathodic Protection Wells. Cathodic protection wells shall be constructed following the standards in RMC 15.24.095.
  - (i) Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be constructed following the standards in RMC 15.24.095.
  - (j) Best Management Practices. All development or redevelopment shall implement best management practices (BMPs) for water quality and quantity, as approved by the Technical Committee, such as biofiltration swales and use of oil-water separators, BMPs appropriate to the particular use proposed, clustered development, and limited impervious surfaces.
- (4) Development within Wellhead Protection Zone 3 shall implement the following performance measures:
- (a) Compliance with the performance standards for vehicle fueling, maintenance and storage areas; loading and unloading areas; well construction and operation; cathodic protection wells; underground hydraulic elevator cylinders, and best

management practices in subsections (3)(b), (c), (e), (h), (i), and (j) of this section; and

- (b) Fill materials shall not contain concentrations of contaminants that exceed cleanup standards for soil specified in WAC 173-340-740, Model Toxics Control Act, regardless of whether all or part of the contamination is due to natural background levels at the fill source site.
- (5) Development within Wellhead Protection Zone 4 shall implement best management practices (BMPs) for water quality and quantity as approved by the Technical Committee.
- (6) An incremental environmental improvement to a system protective of groundwater shall not alter, expand, or intensify an existing nonconformance but may proceed without having to meet the following City codes, with prior approval from the Director of Public Works or his/her designee:
  - (a) Restrictions associated with critical areas and critical area buffers, if the footprint of the original system protective of groundwater is located within the same critical area buffer and it can be demonstrated through best available science that there will be no significant adverse impacts to the critical area and its buffer;
  - (b) Any requirement to bring a portion of the facility up to current building, fire, or land use codes that is triggered by the value or design of the incremental environmental improvement to a system protective of groundwater;
  - (c) The incremental improvement shall not qualify as a redevelopment that would otherwise be prohibited by Section 20D.140.50-030(1).

## **60 Geologically Hazardous Areas.**

### **60-010 Classification and Rating of Geologically Hazardous Areas.**

To promote consistent application of the standards and requirements of this chapter, geologically hazardous areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

- (1) Geologically Hazardous Area Classifications. Geologically hazardous areas shall be classified according to the criteria in this section.
  - (a) Erosion Hazard Areas. Erosion hazard areas are lands or areas underlain by soils identified by the U.S. Department of Agriculture Soil Conservation Service (SCS) as having "severe" or "very severe" rill and inter-rill erosion hazards. This includes, but is not limited to, the following group of soils when they occur on slopes of 15 percent or greater: Alderwood-Kitsap (AkF), Alderwood gravelly sandy loam (AgD), Kitsap silt loam (KpD), Everett (EvD) and Indianola (InD).

- (b) **Landslide Hazard Areas.** Landslide hazard areas are areas potentially subject to significant or severe risk of landslides based on a combination of geologic, topographic, and hydrogeologic factors. They include areas susceptible because of any combination of bedrock, soil, slope, slope aspect, structure, hydrology, or other factors. They are areas of the landscape that are at a high risk of failure or that presently exhibit downslope movement of soil and/or rocks and that are separated from the underlying stationary part of the slope by a definite plane of separation. The plane of separation may be thick or thin and may be composed of multiple failure zones depending on local conditions including soil type, slope gradient, and groundwater regime.

Landslide hazard areas include:

- (i) Areas of historic failures, such as:
    - (A) Areas designated as quaternary slumps or landslides on maps published by the United States Geologic Survey (USGS); or
    - (B) Those areas designated by the United States Department of Agriculture (USDA) Soil Conservation Service (SCS) as having a "severe" limitation for building site development.
  - (ii) Areas containing a combination of slopes steeper than 15 percent, springs or groundwater seepage, and hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock;
  - (iii) Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of that epoch;
  - (iv) Slopes that are parallel or subparallel to planes of weakness in subsurface materials;
  - (v) Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
  - (vi) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action; or
  - (vii) Any area with a slope 40 percent or steeper with a vertical relief of 10 feet or more.
- (c) **Seismic Hazard Areas.** Seismic hazard areas are lands subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting.

- (2) Classification of geologically hazardous areas shall be determined by the Committee based on consideration of the following factors:
  - (a) Maps adopted pursuant to this chapter; including the landslide hazard area, erosion hazard area, and seismic hazard areas maps, which identify the approximate location and extent of these hazard areas. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of geologically hazardous areas shall be determined in the field by a qualified consultant according to the procedures, definitions, and criteria established by this chapter. In the event of any conflict between the critical area location and designation shown on the City's map and the criteria or standards of this section, the criteria and standards shall prevail;
  - (b) Maps published by other governmental agencies such as:
    - (i) USGS landslide hazard and seismic hazard maps;
    - (ii) Department of Natural Resources (DNR) seismic hazard maps for western Washington and slope stability maps;
  - (c) Application of the criteria contained in these regulations; and
  - (d) Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulations.

**60-020                      Landslide Hazard Area Buffers.**

- (1) Landslide hazard area buffers shall be measured from the top and toe and along sides of the slope.
- (2) Minimum Landslide Hazard Area Buffer. Required buffers shall be 50 feet. The width of the buffer shall reflect the sensitivity of the landslide hazard area in question and the types and density of uses proposed on or adjacent to the geologic hazard. In determining the appropriate buffer width, the Committee shall consider the recommendations contained in any technical report required by these regulations and prepared by an applicant's qualified consultant.
- (3) Buffer Reduction. Buffers may be reduced to a minimum of 15 feet when a qualified professional demonstrates through technical studies that the reduction will adequately protect the proposed and surrounding development from the critical landslide hazard.
- (4) Increased Buffer. The buffer may be increased where the Technical Committee determines a larger buffer is necessary to prevent risk of damage to proposed and existing development. (Ord. 2259)

**60-030                      Alteration of Geologically Hazardous Areas – Generally.**

Alteration of geologically hazardous areas or their established buffers may only be permitted subject to the criteria in Sections 20D.140.20-040 and 20D.140.20-050, 20D.140.30-030, 20D.140.40-020, 20D.140.50-020, 20D.140.60-040, \_\_\_\_\_ of the Zoning Code. (Ord. 2259)

**20D.140.60-040      Alteration of Geologically Hazardous Areas.**

- (1) The City shall approve, condition or deny proposals in a geologically hazardous area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologically hazardous site as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated, or where the risk to public health, safety and welfare, public or private property, or important natural resources is significant notwithstanding mitigation, the proposal shall be denied.
- (2) Landslide Hazard Areas. Development shall be prohibited in landslide hazard areas except as noted below:
  - (a) Pin pilings or footings for decks are permitted provided that they do not impact the stability of the slope, as demonstrated by geotechnical studies; and
  - (b) The installation and construction of streets and/or utilities, subject to the criteria and process set forth in Section \_\_\_\_\_ of the Zoning Code.

**20D.140.60-050      Geologically Hazardous Area Performance Standards.**

- (1) Relevant performance standards from Sections 20D.140.20-060 and 20D.140.20-070 and 20D.140.30-040, as determined by the Committee, shall be incorporated into mitigation plans.
- (2) Development within a geologically hazardous area shall meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides equivalent or greater long-term slope stability. The following performance standards shall be reflected in proposals within landslide and erosion hazard areas:
  - (a) Geotechnical studies shall be prepared by a qualified consultant to identify and evaluate potential hazards and to formulate mitigation measures;
  - (b) Construction methods will reduce or not adversely affect geologic hazards;
  - (c) Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

- (d) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
- (e) Structures and improvements shall be clustered to avoid geologically hazardous areas;
- (f) Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited;
- (g) Development shall be designed to minimize impervious surface coverage;
- (h) Disturbed areas should be replanted as soon as feasible pursuant to an approved landscape plan;
- (i) Clearing and grading regulations as set forth by the City shall be followed;
- (j) Use of retaining walls that allow maintenance of existing natural slope areas are preferred over graded artificial slopes;
- (k) Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
- (l) A master drainage plan shall be prepared for large projects as required by the City Engineer;
- (m) A monitoring program shall be prepared for construction activities permitted in geologically hazardous areas;
- (n) Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion; and
- (o) Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:
  - (i) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge;
  - (ii) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed storm water runoff in the predevelopment state; or
  - (iii) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and storm water runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

## **70**

## **Procedures.**

### **70-010**

### **Procedural Provisions.**

- (1) Interpretation and Conflicts. Any question regarding interpretation of these regulations shall be resolved pursuant to the procedures set forth in Title 20F of the Zoning Code.
- (2) Penalties and Enforcement. Compliance with these regulations and penalties for their violation shall be enforced pursuant to the procedures set forth in Title 20F of the Zoning Code.
- (3) Appeals from Permit Decisions. Appeals from permit decisions shall be governed by the procedures set forth in Title 20F of the Zoning Code.

### **70-020**

### **Severability.**

If any provision of these regulations or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of these regulations or the application to other persons or circumstances shall not be affected. Wetlands

Streams Classification

Landslide Hazard Areas

Erosion Hazard Areas

Seismic Hazard Areas

Wellhead Protection Zones

Frequently Flooded Areas

Fish and Wildlife Habitat Conservation Areas



## SHORELINE MASTER PROGRAM

The City has just recently completed the adoption process by the State Department of Ecology of Redmond's Shoreline Master Program. For this reason, no changes were proposed by the Code Rewrite Commission to this section of code. At the conclusion of the Phase II portion of the Code Rewrite all sections of the code will be reconciled. Staff proposes that through this reconciliation process that any necessary corrections to the Shorelines code be addressed at that time.

## STATE ENVIRONMENTAL POLICY ACT (SEPA) PROCEDURES

### 010 Purpose

The purposes of these procedures are:

- (1) To promote efforts that will prevent or eliminate damage to the environment and biosphere;
- (2) To enrich the understanding of ecological systems and natural resources that are important to the City of Redmond, the State of Washington, and the nation;
- (3) To implement the provisions of Chapter 43.21C RCW, the State Environmental Policy Act, and Chapter 197-11 WAC, SEPA Rules;
- (4) To provide environmental information to City decision-makers;
- (5) To promote certainty with respect to the requirements of SEPA and to integrate SEPA procedures with decision-making.

### 020 Scope.

- (1) The City of Redmond hereby establishes these procedures to implement the State Environmental Policy Act, herein referred to as "SEPA", Chapter 43.21C RCW, consistent with those rules under Chapter 197-11 WAC. SEPA is intended to ensure that environmental values are considered and is designed to work with other regulations to provide a comprehensive review of a project.
- (2) The procedures are promulgated under WAC 197-11-020(1), which states: "Each agency must have its own SEPA procedures consistent with" Chapter 197-11 WAC and Chapter 43.21C RCW. Consistent with WAC 197-11-020(3), these provisions, Chapter 197-11 WAC, and Chapter 43.21C RCW must be read together as a whole to comply with the spirit and letter of the law.

**030**

**Policy.**

The City of Redmond adopts WAC 197-11-030, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Under WAC 197-11-030(1) and (2), the terms "agency" and "agencies" shall include the City of Redmond and its respective departments.
- (2) Under WAC 197-11-030(2)(a), the text is revised to read:

Interpret and administer the policies, regulations, and laws of the State of Washington and applicable ordinances and resolutions of the City of Redmond in accordance with the policies set forth in RCW 43.21C and WAC 197-11.

**040**

**Definitions.**

Terms defined under Chapter 20A.20 RCDG shall apply to this chapter, subject to the following:

- (1) Terms Undefined by Chapter 20A.20 RCDG. Where Chapter 20A.20 RCDG does not define terms, the City of Redmond adopts those definitions under WAC 197-11-040, 197-11-220, and 197-11-700 through 197-11-799, as existing and as hereafter amended.
- (2) Resolving conflicts between Chapter 20A.20 RCDG and SEPA Definitions. Where a conflict exists between those terms under RCDG 20A.20 and WAC 197-11-040 and 197-11-700 through 197-11-799, the definition that is more protective of the environment shall apply.

**050**

**Forms.**

- (1) The City adopts the following forms and sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

**WAC**

197-11-960	Environment checklist
197-11-965	Adoption notice
197-11-970	Determination of nonsignificance (DNS)
197-11-980	Determination of significance and scoping notice (DS)
197-11-985	Notice of assumption of lead agency status
197-11-990	Notice of action

- (2) The Responsible Official may make additions to or otherwise modify the forms adopted in subsection (1) as long as the resulting forms are substantially the same as those set forth in the adopted WAC sections.

**060                      Lead Agency.**

The City of Redmond adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

- (1) WAC 197-11-050;
- (2) WAC 197-11-922 through 197-11-948.

**070                      Responsible Official.**

For those proposals for which the City is a lead agency, the responsible official shall be the City of Redmond Technical Committee as defined in RCDG 20F.50.25, Technical Committee. For all proposals for which the City is a lead agency, the Technical Committee shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that have been adopted by reference.

**080                      Purpose and General Requirements.**

The City of Redmond adopts WAC 197-11-055 through 197-11-100, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Analyzing Similar Actions in a Single Document. The City adopts the optional provision of WAC 197-11-060(3)(c).
- (2) Time Guidelines. Under 197-11-055(2)(b), the responsible official will make a threshold determination within 90 days of determining that a completed application has been submitted, consistent with WAC 197-11-055(2)(d), subject to:
  - (a) The calculation of the number of days in subsection (2)(b) of this section shall not include those days between the mailing of any request for additional information and re-submittal.
  - (b) The responsible official shall not make a threshold determination when there is not adequate information to make a threshold determination within 90 days. When there is not adequate information to make a determination at the end of 90 days, the responsible official shall notify the applicant in writing regarding the information required to make a threshold determination.



- (2) Critical Areas. The Shoreline Environments Map and the Critical Areas Maps adopted pursuant to RCDG 20D.140 designate the location of critical areas within the City and are adopted by reference. For each critical area, the exemptions within WAC 197-11-800 that are inapplicable for the area are (1), (2)(d), (2)(e), (6)(a), (23)(a) through (g), and (24)(e),(g), and (h). All other exemptions shall continue to apply within environmentally critical areas of the City.
- (a) Lands Covered by Water. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.
  - (b) Treatment. The City shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally critical area.
- (3) Responsibility for Determination of Categorical Exempt Status. The determination of whether a proposal is categorically exempt shall be made by the responsible official.
- (4) Mitigation Measures. Modifications to a SEPA checklist or other environmental documentation that result in substantive mitigating measures being required shall follow one of the following processes:
- (a) The responsible official may notify the applicant of the requested modifications to the proposal and identify the concerns regarding unmitigated impacts. The applicant may elect to revise or modify the environmental checklist, application, or supporting documentation. The modifications may include different mitigation measures than those requested by the responsible official; however, acceptance of the proposed measures is subject to subsequent review and approval by that body.
  - (b) The responsible official may make a mitigated determination of nonsignificance (MDNS), identifying mitigating measures. The MDNS may be appealed by the applicant pursuant to Section 180 of this chapter.
  - (c) The responsible official may identify mitigating measures in a letter and mail that letter to the applicant. In writing, the applicant may acknowledge acceptance of these measures as mitigating conditions. The acknowledgement shall be incorporated into the application packet as supporting environmental documentation or as an addendum to the environmental checklist.
- (5) Enforcing Mitigation Measures. Pursuant to WAC 197-11-350(7), the City hereby adopts the following procedures for the enforcement of mitigation measures:

- (a) Incorporation of Representations Made by Applicant into MDNS or DNS and Approval. Representations made in the environmental checklist and supporting documentation shall be considered as the foundation of any decision or recommendation of approval of the action. As such, the responsible official relies on this documentation in making a decision on a proposal. Unless specifically revised by the responsible official or applicant, those statements, representations, and mitigating measures contained in the environmental checklist, application, supporting documentation, EIS and MDNS shall be considered material conditions of any approval. Mitigating measures shall only be included on an MDNS under the following circumstances:
  - (i) When the Redmond Community Development Guide does not provide adequate regulations to mitigate for an identified impact,  
  
AND, when any one of the following circumstances or combination of circumstances exists:
    - (ii) When such conditions are not specifically written in the environmental checklist, application, or supporting information,  
  
OR
    - (iii) When the responsible official determines that the proposed conditions or representations contained within that information do not adequately address impacts from a proposal.
- (b) Modifications to a Proposal – Responsible Official May Withdraw Threshold Determination. If, at anytime, the proposal or proposed mitigation measures are substantially changed, or if proposed mitigation measures are withdrawn, then the responsible official shall review the threshold determination and, if necessary, may withdraw the threshold determination and issue a revised determination, including a determination of significance (DS), as deemed appropriate.
- (c) Enforcement of Mitigation Measures. Mitigation measures imposed as conditions of approval are enforceable through the enforcement provisions that regulate the proposal.

**100                      Planned Actions Generally.**

The City of Redmond adopts WAC 197-11-164 through 197-11-172, as now existing or hereinafter amended, by reference. Planned actions shall be adopted by ordinance or resolution following the process established under RCDG 20F.30.50, Type V review.

**110                      Overlake SEPA Planned Action.**

- (1) Purpose. The purpose of the Overlake SEPA planned action is to make efficient use of the significant investments of time and money by the public, neighborhood residents, businesses, property owners, and the City of Redmond in preparing the Overlake Neighborhood Plan and Implementation Project, and to make development review in the Overlake neighborhood more timely, cost-effective, and predictable.
- (2) Authority. The Washington State Environmental Policy Act (SEPA) provides that where an environmental impact statement on a neighborhood plan has adequately addressed the significant environmental effects of a project, that environmental impact statement may be used as the SEPA analysis for that project. If a project complies with the requirements of this section, the environmental impact statement prepared for the Overlake Neighborhood Plan Update and Implementation Project may be used as the environmental review document for that project and no further environmental review is required.
- (3) Requirements for Coverage under the Overlake SEPA Planned Action. To be covered by this SEPA planned action, a proposed project shall comply with all of the following requirements:
  - (a) The project shall be located on land within the Overlake Neighborhood and zoned Overlake Business and Advanced Technology (OBAT), Overlake Village District (OV), or Overlake Design District (ODD).
  - (b) The project shall consist of building(s), and on-site and off-site improvements to support the building(s) that will be occupied by uses that are allowed by the Overlake Business and Advanced Technology (OBAT), Overlake Village District (OV) or Overlake Design District (ODD) zones.
  - (c) For nonresidential projects and the nonresidential component of mixed-use projects, the proposed project together with the projects already approved as planned actions shall not exceed 4.5 million square feet of gross floor area within the Overlake Neighborhood, beginning on October 31, 2009.
  - (d) For residential projects and the residential component of mixed-use projects, the project and the projects already approved as planned actions shall not exceed 5,494 housing units, beginning on October 31, 2009.
  - (e) The project shall comply with the floor area ratios (FARs), inclusive of allowable TDRs, and density limits set by the Overlake Business and Advanced Technology (OBAT) zone, the Overlake Village District (OV) zone, or the Overlake Design District (ODD).
  - (f) The application for coverage under the Overlake SEPA planned action must be submitted by June 1, 2030. If the application is approved, the project must vest under the statutes and case law of the State of Washington by December 31, 2030, or the approval shall expire.



- (g) The project shall not be an essential public facility. Essential public facilities shall not be covered by the Overlake SEPA planned action.
- (4) Required Mitigating Measures. A proposed project that is covered by the Overlake SEPA planned action shall comply with all of the following:
  - (a) The City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan.
  - (b) All applicable development regulations.
  - (c) If the Technical Committee determines that the traffic generated by the project will require the construction or modification of the transportation facilities of another local government, the State of Washington, or the United States, the project shall provide the mitigation to that government required by the Technical Committee.
  - (d) The proposed project shall provide all off-site and on-site public facilities that the Technical Committee determines are necessary to serve the project including, but not limited to, water facilities, wastewater facilities, storm water facilities, transportation facilities, fire protection facilities, police facilities, and park and recreation facilities.
- (5) Determining if a Project is Covered by the Overlake SEPA planned action.
  - (a) An applicant seeking coverage under the Overlake SEPA planned action shall complete a SEPA environmental checklist and submit the checklist to the Administrator together with any fee for a planned action coverage determination set by the City of Redmond City Council. The applicant shall note on the checklist that he or she is requesting an Overlake planned action coverage determination. If the Administrator has prepared a SEPA environmental checklist specific to the Overlake SEPA planned action, that checklist shall be used.
  - (b) To be covered by the Overlake SEPA planned action, the project shall comply with all of the following criteria:
    - (i) The project complies with all of the requirements for coverage under the Overlake SEPA planned action in subsection (2) of this section, Overlake SEPA planned action.
    - (ii) The draft and final environmental impact statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project adequately addressed the project's significant adverse impacts.

- (iii) The project is a subsequent or implementing project for the proposals analyzed in the draft and final environmental impact statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project.
    - (iv) The project is consistent with the City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan, both of which have been adopted under the Growth Management Act.
    - (v) The project shall implement the required mitigating measures in subsection (4) of this section, Overlake SEPA planned action.
  - (c) If the Administrator determines the Overlake SEPA planned action covers the project, a project threshold determination or environmental impact statement shall not be required.
  - (d) If the Administrator determines the Overlake SEPA planned action does not cover the project, a project threshold determination is required. In conducting the additional SEPA environmental review, the lead agency may use information and analysis in the draft and final environmental impact statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project and other documents prepared as part of these planning processes.
  - (e) The Administrator's determination that a project is or is not covered by the Overlake SEPA planned action is final and may not be appealed
  - (f) If public notice is required for the project, the notice shall state the project is covered by the Overlake SEPA planned action.
- (6) Monitoring the SEPA Planned Action.
- (a) Each year, the Administrator shall monitor the amount and type of development in the Overlake Neighborhood, the amount and type of development covered under the Overlake SEPA planned action, and the construction of the transportation facilities provided for in the Overlake Neighborhood Plan Update and Implementation Project. These monitoring efforts shall be integrated with the Overlake Neighborhood Plan Update and Implementation Project monitoring activities.
  - (b) Based on these monitoring efforts, the Administrator shall consider whether the Overlake SEPA planned action should be updated or modified at least once every five years. This review should take place during the five-year evaluation of the Overlake Neighborhood Plan called for by the Redmond Comprehensive Plan. It may also take place more frequently. If the Administrator determines an update or modification is needed, the Administrator shall begin the process of conducting

the update or modification or request funds to do so through the City's budgeting process.

**120                                      Environmental Impact Statements and Other Environmental Documents.**

The City of Redmond adopts WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Pursuant to WAC 197-11-408(2)(a), all comments on a DS and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).
- (2) Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the responsible official shall be responsible for preparation and content of an EIS and other environmental documents. The responsible official shall contract with consultants, as necessary, for the preparation of environmental documents and EISs. The responsible official may consider the opinion of the applicant regarding the qualifications of the consultant, but the responsible official shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.
- (3) Consultants or sub-consultants contracted by the City to prepare environmental documents for a private development proposal:
  - (a) Shall not act as agents for the applicant in preparation or acquisition of associated underlying permits or actions;
  - (b) Shall not have a financial interest in the proposal for which the environmental documents are being prepared; and
  - (c) Shall not perform any work nor provide any services for the applicant in connection with or related to the proposal.
- (4) The City may use Addenda and Supplemental EISs to fulfill its environmental responsibilities as provided in WAC 197-11-600, 197-11-620, and 197-11-625. An addendum adds analyses or information about a proposal to an existing environmental document, but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. An SEIS is prepared if there are: (a) substantial changes to a proposal so that the proposal is likely to have significant adverse impacts not adequately disclosed or discussed in the existing EIS, or (b) new information which indicates that a proposal will have probable significant adverse environmental impacts not adequately disclosed or discussed in the existing EIS.

**Comments and Public Notice.**

The City of Redmond adopts WAC 197-11-500 through 197-11-570, as now existing or hereinafter amended, by reference, subject to the following:

- (1) Official comments shall be submitted in writing to the contact person on the threshold determination within the comment periods established by this chapter and the regulations adopted herein. Electronic comments that are e-mailed to the contact person on the threshold determination may be accepted as official comments provided a standard mailing address is submitted.
- (2) If required, public notice shall comply with the requirements for the underlying permit as specified in Chapter \_\_\_\_ RCDG of the Zoning Code.
- (3) The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

**Use of Existing Environmental Documents.**

The City of Redmond will use existing environmental documents in the manner provided by WAC 197-11-600 through 197-11-640.

**150 Substantive Authority.**

- (1) As its basis for exercising substantive authority under SEPA, the City of Redmond adopts WAC 197-11-650 through 197-11-660, WAC 197-11-900 through 197-11-906, and WAC 197-11-158, as now existing or hereinafter amended, by reference. Substantive authority is the regulatory authority under SEPA to condition or deny a proposal in order to mitigate or avoid environmental impacts clearly identified in environmental documents.
- (2) For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules, regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240:
  - (a) Chapter 43.21C RCW, State Environmental Policy Act;
  - (b) Six-Year Transportation Improvement Program;

- (c) RMC Title 6, Health and Sanitation;
- (d) RMC Title 7, Animals;
- (e) RMC Title 10, Vehicles and Traffic;
- (f) RMC Title 12, Streets and Sidewalks;
- (g) RMC Title 13, Water and Sewers;
- (h) RMC Title 15, Buildings and Construction;
- (i) RMC Title 20, Community Development Guide;
- (j) The City of Redmond Comprehensive Plan;
- (k) The City of Redmond Parks, Arts, Recreation, Culture and Conservation (PARCC) Plan;
- (l) The City of Redmond Water System Plan;
- (m) The City of Redmond General Sewer Plan;
- (n) Natural Resources Capital Improvement Plan
- (o) Regional Stormwater Facilities Plan
- (p) Comprehensive Flood Hazard Management Plan
- (q) The City of Redmond Transportation Master Plan; and
- (r) The City of Redmond Fire Service Master Plan.

**160 SEPA/GMA Integration.**

The City of Redmond adopts WAC 197-11-210 through 197-11-235, as now existing or hereinafter amended, by reference.

**170 Ongoing Actions.**

Pursuant to WAC 197-11-916, unless otherwise provided for herein, the provisions of Chapter 197-11 WAC shall apply to all elements of SEPA compliance, including modifying and supplementing an EIS, initiated after the effective date of the ordinance codified in this title.

**Responsibility as Consulted Agency.**

Pursuant to WAC 197-11-912, all requests from other agencies that the City of Redmond consult on threshold investigations, the scope process, EISs or other environmental documents shall be submitted to the Technical Committee. The Technical Committee shall be responsible for coordination with affected City departments and for compiling and transmitting the City of Redmond's response to such requests for consultation.

**Appeals.**

The City of Redmond adopts WAC 197-11-680, with the following clarifications:

- (1) Any interested person may appeal a threshold determination, adequacy of a final EIS and the conditions or denials of a requested action made by a nonelected City official based on SEPA. No other SEPA appeals shall be allowed.
- (2) All appeals must be in writing and must be submitted on an appeal form approved by the SEPA responsible official. The appeal form must set forth:
  - (a) Facts demonstrating that the person is adversely affected by the decision;
  - (b) A concise statement identifying each alleged error of fact, law, or procedure which the appellant alleges justify overturning the decision
  - (c) The specific relief requested; and
  - (d) Any other information reasonably necessary to make a decision on the appeal.
- (3) All appeals and any applicable appeal fee must be received by the Redmond Development Services Center no later than 5:00 p.m. on the fourteenth day following the date the appeal period commences. The appeal period commences as follows:
  - (a) For a Determination of Non-Significance (DNS) with no comment period and for final EISs and decisions conditioning or denying an action based upon SEPA, the appeal period commences on the date the DNS, final EIS, or decision conditioning or denying the action is issued.
  - (b) For Mitigated Determinations of Non-Significance (MDNSs) and other threshold determinations with a comment period, the appeal period commences upon expiration of the comment period.

- (c) For threshold determinations and final EISs that are issued at the same time as the decision on a project permit (See RCW 36.70B.110), the appeal period commences upon issuance of the notice of decision or after other notice has been given that the decision has been made and is available, provided, that if the appeal is from a DNS for which a public comment period is required, the appeal period shall be extended for an additional seven days.
- (4) Only one appeal of the determinations described in subsection (1) shall be allowed. Successive appeals of these determinations are not allowed.
- (5) Except as provided in WAC 197-11-680(3)(a)(vi) (e.g., determinations of significance), all appeals allowed under this section shall be consolidated with the open record public hearing or open record appeal hearing on the underlying action for which the substantive or procedural SEPA determination was made. All appeals shall follow the procedure for appealing the underlying action, provided, that the decision of the body conducting the hearing shall be the City's final determination on the SEPA appeal and no further administrative appeal shall be allowed, notwithstanding the availability of an additional administrative appeal on the underlying action.
- (6) Appeals of those determinations listed in WAC 197-11-680(3)(a)(vi) shall not be consolidated with the open record public hearing or open record appeal hearing on the underlying action. Such appeals shall proceed as follows:
  - (a) Appeal of a determination of significance (DS) shall be heard by the Hearing Examiner in an open record appeal hearing. The Hearing Examiner shall make an electronic record of the proceedings. All testimony shall be given under oath. The determination of the SEPA responsible official shall be given substantial weight. The Hearing Examiner shall make findings and conclusions which support his or her decision on the appeal. The Hearing Examiner's decision shall be the final decision of the City and there shall be no further administrative appeal.
  - (b) Appeals of
    - (i) SEPA procedural determinations made by the City when the City is a project proponent or is funding a project, and chooses to conduct its environmental review prior to submitting a project permit;
    - (ii) SEPA procedural determinations made by the City on a City nonproject action; and
    - (iii) Appeals of conditions or denials made by a non-elected City official based on SEPA;

shall be made to the Redmond City Council. The Council hereby delegates the responsibility to hold an open record hearing on such appeals to the Hearing

Examiner. The open record appeal hearing shall be conducted in the same manner and be subject to the same rules as in 6(B) above, provided, that the Hearing Examiner shall make a recommendation to the City Council on the appeal and the final decision shall be made by the City Council.

- (2) Notice. Whenever there is a final action by the City Council for which compliance with SEPA is required and for which a statute or ordinance establishes a time limit for commencing judicial appeal, the City shall give official notice as required by WAC 197-11-680(5).



## **Exhibit C6: CRC Recommended Amendment-Appendix D-2 Critical Areas Reporting Requirements**

### **Critical Areas Reporting Requirements**

- I. General Information
- II. Fish and Wildlife Habitat Conservation Areas Reporting Requirements
- III. Wetland Reporting Requirements
- IV. Frequently Flooded Areas Reporting Requirements
- V. Geologically Hazardous Areas Reporting Requirements
- VI. Critical Aquifer Recharges Areas (Wellhead Protection) Reporting Requirements
- VII. Stream and Wetland Mitigation Plans

The following information is required to be submitted for sites containing critical areas.

- I. General Information (required for all critical areas).**
  - A. Name of proposal as shown on City applications.
  - B. Name of applicant as shown on City applications.
  - C. Name of organization and individual providing this information.
  - D. List any technical expertise/special qualifications of person providing this information.
  - E. Date the information was prepared.
  - F. Location of the proposed activity (street address and tax parcel number), including a vicinity map.
  - G. Clearly identify the development proposal being addressed; including City file number and key project drawing references (originator of drawings, originator's reference number if shown on the drawings, sheet numbers, revision numbers and dates for each sheet, and include reduced copies of key drawings in the report).
  - H. Give a succinct but inclusive description of the existing site, including acreage and current and past uses on the property.
  - I. A copy of an aerial photo with overlays displaying site boundaries and critical areas.
  - J. A single map showing all critical areas at one inch equals 20 feet scale, depicting:
    1. Identified critical areas and required buffers;

2. Limits of any areas to be disturbed;
  3. Site boundary property lines and roads;
  4. Rights-of-way and easements;
  5. Existing physical improvements (buildings, fences, impervious surfaces, utilities, etc.);
  6. Contours at two-foot intervals;
  7. All natural and manmade features within the maximum buffer area of any critical area on or near the site (in no case less than a minimum 50 feet from the site).
- K. A statement specifying the accuracy of the report and key project specific assumptions made and relied upon. List recommendations, if any, for further reporting regarding critical areas related to the proposed project as the project proceeds.
- L. Provide a bibliography of published information referenced, including maps and best available science materials.

For sites with mitigation, also provide the following information identified in M through Q below. (Information in this section is to be provided only if there are critical areas within or in the vicinity of the site that will be impacted by the proposed project.)

- M. A summary description of reasonable efforts made to apply mitigation sequencing pursuant to RCDG 20D.140.10-010, Mitigation Standards, Criteria and Plan Requirements, to avoid, minimize, and mitigate impacts to critical areas.
- N. Plans for adequate mitigation, as needed, to offset any impacts, including, but not limited to:
1. The impacts to on-site and affected off-site critical areas; and
  2. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties, and the environment.
- O. A listing of applicable performance standards and a summary of how each applicable performance standard was addressed. (See RCDG 20D.140.10-120, Performance Standards for Mitigation Planning).
- P. A discussion of ongoing management practices that will protect the critical area after the project site has been developed, including proposed monitoring and maintenance programs.

- Q. Additional information may be required. The Technical Committee may require additional information to be included in the critical areas report when deemed necessary to the review of the proposed activity.

**II. Fish and Wildlife Habitat Conservation Areas Reporting Requirements (includes streams).**

A fish and wildlife habitat conservation areas report shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.

**Wildlife Report Requirements (in addition to the General Information listed in Section I above).**

- A. A wildlife report must be submitted to the City for review. The purpose of the report is to determine the extent, function and value of wildlife habitat on any site where regulated activities are proposed. The report will also be used by the City to determine the sensitivity and appropriate classification of the habitat, appropriate wildlife management requirements, and potential impacts of proposed activities. The information required by this report should be coordinated with the study and reporting requirements for any other critical areas located on the site.

B. The report shall include the following information:

1. A map drawn at an engineering scale of one inch equals 20 feet of vegetative cover types, reflecting the general boundaries of different plant communities on the site.
2. A description of the species typically associated with the cover types, including an identification of any species of concern, priority species, and species of local importance that might be expected to be found.
3. The results of searches of DNR's Natural Heritage and Non-Game Data System databases.
4. The result of searches of the Washington Department of Wildlife Priority Habitat and Species database.
5. Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of a potential (listed) fish or wildlife species of concern or habitat. A fish and wildlife habitat conservation area report shall contain a written assessment of habitats, including the following site and proposal related information at a minimum:
  - a. General site conditions including topography, waterbodies, and wetlands.
  - b. Detailed description of vegetation on and adjacent to the project area.

- c. Identification of any areas that have previously been disturbed or degraded by human activity or natural processes.
- d. The layers, diversity and variety of habitat found on the site.
- e. Identification of edges between habitat types and any species commonly associated with that habitat.
- f. The location of any migration or movement corridors.
- g. A narrative summary of existing habitat functions and values.
- h. Identification of any species of local importance, priority species, threatened, sensitive, or candidate species that have a primary association with the habitat on or adjacent to the project area, and assessment of potential impacts to the use of the site by the species.
- i. A discussion of any local, state, or federal management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area.
- j. Identification of any core preservation areas that are on or adjacent to the site. See RCDG 20D.140.20-010(1) for areas considered core preservation areas. Map and describe these areas.
- k. Identification of any quality habitat areas that are on the site. See RCDG 20D.140.20-010(3) for areas considered quality habitat areas. Map and describe these areas. This shall include an analysis of size, community diversity, interspersion, continuity, forest vegetation layers, forest age, and invasive plants.
- l. A summary of proposed habitat alterations and impacts and proposed habitat management program. Potential impacts may include but are not limited to clearing of vegetation, fragmentation of wildlife habitat, expected decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on wetlands or water resources.
- m. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve the existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be constructed in accordance with RCDG 20D.140.10-110, Mitigation Standards, Criteria, and Plan Requirements.

6. Habitat Unit Assessment Forms. One completed form is required for each habitat unit identified on site.
7. Additional Information. When appropriate due to the type of habitat or species present, or the project area conditions, the Technical Committee may also required the habitat management plan to include:
  - a. An evaluation by an independent qualified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs to include any recommendations as appropriate.
  - b. A request for consultation with the Washington Department of Fish and Wildlife or the local Native American Indian tribe.
  - c. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

**Stream Reconnaissance Report Requirements (in addition to the General Information listed in Section I above).**

A stream reconnaissance report shall be prepared by a qualified stream biologist or stream ecologist.

- A. A stream reconnaissance report must be submitted to the City for review. The purpose of the report is to determine the physical and biological characteristics and functions and values of streams on any site where regulated activities are proposed. The report will also be used by the City to establish appropriate buffer requirements. The information required for this report should be coordinated with the study and reporting requirements established for any other critical areas located on the site.
- B. The ordinary high water mark shall be flagged in the field by a qualified consultant. Field flagging must be distinguishable from other survey flagging on the site. The field flagging must be accompanied by a stream reconnaissance report.
- C. The report shall include the following information:
  1. Streams Map. Stream ordinary high water marks (OHWM) shall be located on a site map with an engineering scale of one inch equals 20 feet. The map must show:
    - a. Surveyed locations of all stream OHWMs on the property;
    - b. Hydrologic mapping showing patterns of water movement into, through, and out of the site area.

2. Stream Reconnaissance Report. A written stream reconnaissance report which includes the following information:

- a. A written stream assessment. This assessment shall describe specific descriptions of streams, including stream classification, gradient and flow characteristics, stream bed condition, stream bank and slope stability, presence of fish or habitat for fish, presence of obstruction to fish movement, general water quality, stream bank vegetation, and stream buffer requirements.
- b. A written characterization of the riparian corridor. This characterization shall include analysis of the stream buffer to provide the following key functions: shade and temperature regulation, flood conveyance, water quality protection and pollutant removal, nutrient cycling, sediment transport, bank stabilization, woody debris recruitment, wildlife habitat, and microclimate control.
- c. A written summary of existing stream value for fisheries habitat, including special consideration for anadromous fisheries. This shall include a discussion on the stream's potential for salmonid and non-salmonid fish use. Parameters to be analyzed include, but are not limited to, distance of bank full width, channel gradient, size of contributing upstream areas, and fish passage obstructions, if any.
- d. A written discussion of measures including avoidance, minimization, and mitigation to preserve the existing riparian corridor and restore areas that were degraded prior to the current proposed land use activity. This shall include a summary of proposed stream and buffer alterations, impacts, and the need for the alterations as proposed. Potential impacts may include but are not limited to vegetation removal, stream bed and stream bank alterations, alteration of fisheries habitat, changes in water quality, and increases in human intrusion. If alteration of a stream is proposed, a stream mitigation plan is required according to the standards of RCDG 20D.140.20-040, Alteration or Riparian Stream Corridors and 20D.140.20-060, Riparian Stream Corridor Performance Standards.

3. Stream summary sheet.

**III. Wetland Reporting Requirements (In addition to the General Information listed in Section I above).**

A wetland report shall be prepared by a qualified professional who is a certified wetland scientist or a wetland biologist.

- A. A wetland report must be submitted to the City for review. The purpose of the report is to determine the extent, characteristics, functions, and values of any wetlands located on a

site where regulated activities are proposed. The report will also be used by the City to determine the appropriate wetland rating and to establish appropriate buffer requirements. The information required by this report should be coordinated with the study and reporting requirements for any other critical areas located on the site.

- B. Wetland boundaries must be staked and flagged in the field by a qualified consultant employing the Washington State Wetlands Identification and Delineation Manual. Field flagging must be distinguishable from other survey flagging on the site. The field flagging must be accompanied by a wetland delineation report. Transects shall be required for all wetland identifications, regardless of size. Note that wetland determinations made during the late summer months (July – Sept.) and early fall (Sept. – Oct.) may lack a wetland water regime due to low precipitation. A “wet weather” evaluation may be required.
- C. The report shall include the following information:
  - 1. Wetland Map. Wetlands shall be located on a site map with an engineering scale of one inch equals 20 feet. The map must show:
    - a. Delineated wetland boundary and required buffers.
    - b. Hydrologic mapping showing patterns of water movement into, through, and out of the site area.
    - c. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets.
  - 2. Site designated on a National Wetland Inventory Map (U.S. Fish and Wildlife Service) and a City of Redmond Wetland Inventory Map.
  - 3. Wetland Delineation Report. A written wetland delineation report which includes the following information:
    - a. Delineation methodology, with special emphasis on whether the approach used was routine, intermediate, or comprehensive, as described in the Wetland Manual. This shall include an explanation of how the wetland boundary was determined. The explanation shall identify assumptions made and provide clarification of “close calls.”
    - b. A written wetland assessment. This assessment shall describe specific descriptions of wetlands, including wetland category, classification using the USFWS (Cowardin) Method, vegetative, faunal and hydrologic characterization, soil and substrate conditions, wetland acreage, and required buffers.

- c. A written wetland characterization and wetland functions assessment. Wetland characterizations shall use the Wetland Rating System for Western Washington. This characterization identifies the wetland category. The wetland category and "score" shall be part of the description for each wetland. This characterization shall include an analysis of the wetland's ability to provide the following key functions: provide wildlife, plant, and fisheries habitat; moderate runoff volume and flow rates; reduce sediment, chemical nutrient, and toxic pollutants; provide shading to maintain desirable water temperatures; reduce erosion; and reduce groundwater and surface water pollution. A wetland functions assessment shall be completed for each wetland to establish a baseline that provides a semi-qualitative description for each wetland. A functions assessment must evaluate existing conditions and conditions after development without mitigation. Those functions assessments found acceptable by the Department of Ecology and best available science include the Washington Function Assessment Method and the Linear Method.
  - d. A summary of proposed wetland and buffer alterations, impacts, and the need for the alterations as proposed. This shall include a mitigation sequencing analysis. Potential impacts may include but are not limited to loss of flood storage potential, loss of wildlife habitat, expected decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on associated wetland or water resources. If wetland impacts are proposed, a wetland mitigation plan is required according to the standards of RCDG 20D.140.10-120, Performance Standards for Mitigation Planning.
- 4. Field data sheets from the Wetland Manual, numbered to correspond with sample site locations as staked and flagged in the field. This includes Data Form 1: Routine Wetland Determination as identified in Appendix B of the Washington State Wetlands Identification and Delineation Manual.
  - 5. Wetland rating forms for each wetland as identified in the Washington State Wetland Rating System for Western Washington.
  - 6. Wetland summary sheet.

**IV. Frequently Flooded Areas Reporting Requirements (In addition to the General Information listed in Section I above).**

A frequently flooded area report shall be prepared by a qualified professional who is a hydrologist, or engineer, who is licensed in the State of Washington with experience in preparing flood hazard assessments.

- A. A frequently flooded area report must be submitted to the City for review for Shorelines of the State (and other watercourses if specifically requested in the review process). The



purpose of this report is to ensure the development complies with City of Redmond and Federal Emergency Management Agency (FEMA) requirements and guidelines. The report must include the following site and proposed related information at a minimum:

1. Floodplain Map. Floodplains shall be located on a site map with an engineering scale of one inch equals 20 feet. The map must show the following:
    - a. The location of the FEMA 100-year floodplain, the "Built Out" 100-year floodplain, the FEMA floodway, and the zero-rise floodway.
    - b. All proposed development within the Built Out 100-year floodplain.
    - c. Elevation of the lowest floor (including basements and excavated crawl spaces) of all structures.
    - d. Location of and proposed grading for compensatory floodplain storage, if required per RCDG 20D.140.40-030(2)(a).
  2. Flood Hazard Summary. A written flood hazard summary shall be provided that includes the following:
    - a. Descriptions and engineering calculations that support the locations of the 100-year FEMA and zero-rise floodplains within the site (see guidelines below).
    - b. Descriptions and engineering calculations that support the locations of the 100-year FEMA and zero-rise floodways within the site (see guidelines below).
    - c. A statement to verify that fill and structures will not be located within floodways.
    - d. Verification that any proposed changes (including utilities, plantings, walkways, etc.) within the floodways will not affect the hydraulic capacities of the floodways. Supporting calculations will be required if changes are proposed in the floodways.
    - e. Verification that hydraulically equivalent compensating storage is provided if such storage is required for the site per RCDG 20D.140.40-030(2)(a).
- B. Locating the Edge of the Floodplain for a Site. This section provides a method to locate the edge of the floodplain for a site so as to conform to detailed topographic mapping at a site plan scale. The basic approach is to use elevations of the water surface at flood stage and project the elevations along cross-sections until they intersect with the site scale topographic map.

The resulting floodplain defined for the site must be checked by engineering calculations to verify adequate conveyance with no increase in the flood stage water surface elevations for the floodplain. Include the following for both the FEMA and zero-rise floodplains:

1. Appropriate data from current floodplain studies and maps including flood profiles, selected cross-section locations, flood elevations for each cross-section, and base flood discharge(s).
  2. Actual field topography with appropriate contours for the entire floodplain within the site plus the floodplain on the opposite side of the stream plus the floodplain upstream and downstream of the site for at least 100 feet.
  3. Cross-section locations on the site topography map showing intersections of the flood elevations with the topographic elevations. These intersection points are then connected, using topographic information, to outline the floodplain.
  4. Verification, by hydraulic calculations, that the base flood discharge can be accommodated within the defined floodplain and within the flood elevations. (Contact Development Services for level of calculations required.)
  5. Proposed topographic adjustments, based on site-specific situations, to provide adequate hydraulic capacity if hydraulic calculations do not verify such capacity which are acceptable to the Technical Committee.
- C. Locating the Current Floodway Limits for a Site. This section provides a way to apply and adjust the floodway maps for a site. The adopted floodway maps are official documents. Changes to the FEMA map generally require FEMA approval. Both FEMA and the City recognize, however, that more detailed site-scale topography and the difficulties in scaling the floodway map dictate that map refinements must frequently be done when working at the site plan scale. Include the following for both the FEMA and zero-rise floodways:
1. An appropriate section of the current floodplain maps enlarged to site plan scale. The section of the map needs to include the entire site, the entire floodplain on the opposite side of the stream, and the floodplain 100 feet upstream and downstream of the site.
  2. Appropriate data from current floodway studies including flood profiles, selected cross-section locations, flood elevations for each cross-section, and base flood discharges.
  3. Actual field topography with appropriate contours for the entire floodplain within the site plus the floodplain on the opposite side of the stream plus the floodplain

upstream and downstream of the site for at least 100 feet. Show cross-section locations on this topographic map.

4. Location of the floodway limits from the enlarged floodway map on the topographic map.
5. Adjustments to the floodway location as required to reconcile the site topography and the flood profiles. Clearly identify all proposed adjustments.
6. Verification that the floodway study discharge can be accommodated within the floodway (including adjustments approved by the Technical Committee) and within regulatory water surface elevations and velocities.

**V. Geologically Hazardous Areas Reporting Requirements (in addition to the General Information listed in Section I above).**

A geologically hazardous areas report shall be prepared by a geotechnical engineer or geologist, licensed in the State of Washington, with experience analyzing geologic, hydrologic, and groundwater flow systems; or by a geologist who earns his or her livelihood from the field of geology and/or geotechnical analysis, with experience analyzing geologic, hydrologic and groundwater flow systems; who has experience preparing reports for the relevant type of hazard.

- A. A geologically hazardous area report must be submitted to the City. The purpose of this report is to evaluate the actual presence of geologic conditions giving rise to geologic hazards; determine the appropriate class of hazard, according to the classification of potential hazards contained in these regulations; evaluate the safety and appropriateness of proposed activities; and recommend appropriate construction practices, monitoring programs and other mitigation measures required to ensure achievement of the purpose and intent of these regulations. The information required by this report should be coordinated with the study and reporting requirements for any other critical areas located on the site.
- B. The approach of the City of Redmond critical area regulations is to require a level of study and analysis commensurate with potential risks associated with geologic hazards on particular sites and for particular proposals. Depending on the particular geologic hazard, geologic, hydrologic and/or topographic studies may be required. At a minimum, all applicants shall review the history of the site and conduct a surface reconnaissance.
- C. Geologically Hazardous Area Report. The geologically hazardous area report shall include the following information:
  1. Geologically Hazardous Areas Map. Geologic hazards shall be located on a site map with an engineering scale of one inch equals 20 feet. The map must show the surveyed locations of all geologic hazards and their required buffers/setbacks. In addition, the map must show topography at two-foot intervals.

2. A written geologically hazardous area report which includes the following information:
  - a. A written geologic hazards characterization. This characterization shall describe specific descriptions of geologic hazards present on site, including topography; a characterization of soils, geology, and drainage; a characterization of groundwater conditions including the presence of any public or private wells within one quarter mile of the site; and groundwater elevation, gradient and direction data, including depth and duration of seasonally high water table if any proposed grading, borings, pilings or excavation work may extend to groundwater depth; identification of any areas that have previously been disturbed or degraded by human activity or natural processes; and a site history.
  - b. A written analysis of proposed clearing, grading and construction activities, including construction scheduling; potential direct and indirect, on-site and off-site impacts from development, including dewatering activities. The analysis shall include identification of proposed mitigation measures, including any special construction techniques, monitoring or inspection program, erosion or sedimentation programs (during and after construction), and surface water management and protection controls.
3. Critical Landslide Hazard Areas (Steep Slopes). In addition to the geologically hazardous area report required above, the following tasks and information are required for critical landslide hazard areas.
  - a. Review site history and available information.
  - b. Conduct a surface reconnaissance of the site and adjacent areas.
  - c. Conduct subsurface exploration suitable to site and proposal to assess geohydrologic conditions.
  - d. Conduct detailed slope stability analysis.
  - e. Recommend detailed surface water management controls during construction and operation.
  - f. Establish recommendations for site monitoring and inspection during construction.
  - g. Recommended minimum steep slope buffer distance(s). In no case, shall the setback be less than that required by RCDG 20D.140.60-020.

4. Critical Erosion Hazard Areas. In addition to the geologically hazardous area report required above, the following tasks and information are required for critical erosion hazard areas:
  - a. Review site history and available information.
  - b. Conduct a surface reconnaissance of the site and adjacent areas.
  - c. Identify surface water management, erosion and sediment controls appropriate to the site and proposal.
5. Seismic Hazard Areas. In addition to the geologically hazardous area report required above, the following tasks and information are required for seismic hazard areas:
  - a. For one- and two-story single-family structures, conduct an evaluation of site response and liquefaction potential based on the performance of similar structures under similar foundation conditions.
  - b. For all other proposals, conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to provide a site coefficient (S) for use in the static lateral force procedure described in the International Building Code.

**VI. Critical Aquifer Recharges Areas (Wellhead Protection) Reporting Requirements (in addition to the General Information listed in Section I above and the general information listed in Section V above).**

A critical aquifer recharge areas report shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer, who is licensed in the State of Washington and has experience in preparing hydrogeologic assessments.

- A. A critical aquifer recharge area report must be submitted to the City. The purpose of the report is to evaluate the actual presence of geologic conditions giving rise to the critical aquifer recharge area; determine the appropriate wellhead protection zone; evaluate the safety and appropriateness of proposed activities; and recommend appropriate construction practices, monitoring programs and other mitigation measures required to ensure achievement of the purpose and intent of these regulations. The information required by this report should be coordinated with the study and reporting requirements for any other critical areas located on the site.
- B. The approach of the City of Redmond critical area regulations is to require a level of study and analysis commensurate with potential risks to wellhead protection areas associated with particular sites and particular proposals. Geologic, hydrologic and/or topographic studies may be required. At a minimum, all applicants shall review the history of the site and conduct a surface reconnaissance.

- C. Hydrologic Assessment Required. For all proposed activities to be located in a critical aquifer recharge area, a critical aquifer recharge area report shall contain a level one hydrological assessment. A level two hydrogeologic assessment shall be required for any of the following proposed activities:
1. Activities that result in 5,000 square feet or more impervious site area.
  2. Activities that divert, alter, or reduce the flow of surface or groundwaters, including dewatering or otherwise reduce the recharging of the aquifer.
  3. The storage, handling, treatment, use, production, recycling or disposal of deleterious substances or hazardous materials, other than household chemicals used according to the directions specified on the packaging for domestic applications.
  4. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre.
  5. Any other activity determined by the Committee likely to have an adverse impact on groundwater quality or quantity, or on the recharge of the aquifer.
- D. Written Level One Hydrogeologic Assessment. A level one hydrogeologic assessment shall include the following site and proposal related information at a minimum:
1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone.
  2. Groundwater depth, flow direction and gradient based on available information.
  3. Currently available data on wells and springs within 1,300 feet of the project area.
  4. Location of other critical areas, including surface waters, within 1,300 feet of the project site.
  5. Available historic water quality data for the area to be affected by the proposed activity.
  6. Best management practices proposed to be utilized.
- E. Written Level Two Hydrogeologic Assessment. A level two hydrogeologic assessment shall include the following site and proposal related information at a minimum, in addition to the requirements for a level one hydrogeological assessment:

1. Historic water and elevation quality data for the area to be affected by the proposed activity compiled for at least the previous five year period.
2. Groundwater monitoring plan provisions.
3. Discussion of the effects of the proposed project on the groundwater quality and quantity, including:
  - a. Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features.
  - b. Predictive evaluation of contaminant transport based on potential releases to groundwater.
  - c. Predictive evaluation of groundwater (recharge, elevation, dewatering feasibility, constructability, discharge permitting, etc.) on the proposed project.
4. Identification of the type and quantities of any deleterious substances or hazardous materials that will be stored, handled, treated, used, produced, recycled, or disposed of on the site, including but not limited to materials such as elevator lift/hydraulic fluid, hazardous materials used during construction, materials used by the building occupants, proposed storage and manufacturing uses, etc.
5. Proposed methods of storing any of the above substances, including containment methods to be used during construction and/or use of the proposed facility.
6. Proposed plan for implementing Protection Standards During Construction (RCDG 20D.140.50-040(10(f))).
7. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.
8. A complete discussion of past environmental investigations, sampling, spills, or incidents that may have resulted in or contributed to contaminated soil or groundwater at the site. Attach copies of all historical and current reports and sampling results.

## **VII. Stream and Wetland Mitigation Plans**

**Conceptual Mitigation Plan** – The applicant shall submit a conceptual mitigation plan, prepared by a qualified consultant, when filing for entitlement or plat approval. The plan must have adequate detail to demonstrate that impacts can be mitigated such that they

achieve no net loss of functions and values. The conceptual mitigation plan/report shall include:

- A. **Executive Summary of CAO Report:** Prepare executive summary for the plan. Summarize the project, its impacts, and the proposed mitigation, if required. This may be a ½ to 2 page summary of the plan contents, depending on the complexity of the project and the length of the plan.

*Please include the following items in the Executive Summary:*

1. Applicant name, address, and telephone number.
2. Consultant and consultant contact information.
3. Brief description of the proposed development project (include city file number and key drawing references).
4. Location of work (street address, tax parcel number, STR [section, township, and range]).
5. A vicinity map.
6. Description of critical areas.
7. Wetland information, including
  - a. Size (square feet);
  - b. Cowardin classification;
  - c. Hydrogeomorphic (HGM) classification;
  - d. Required buffers; and
  - e. A brief summary of functions, if applicable.
8. Stream Information, including:
  - a. Classification;
  - b. Downstream connections; and
  - c. A brief justification of stream classification if different from the current City of Redmond Stream Classification Map or if unmapped.



9. Description of the measures taken to avoid and minimize impacts to critical areas (i.e. demonstrate that mitigation sequencing was followed).
10. Description of unavoidable wetland impacts and the proposed compensatory mitigation (e.g., restoration, creation, enhancement, and /or preservation), including
  - a. Size;
  - b. Cowardin classification;
  - c. Hydrogeomorphic (HGM) classification;
  - d. Wetland rating, if applicable;
  - e. Required buffers;
  - f. A brief summary of functions, if applicable; and
  - g. Mitigation ratios used.
11. Description of unavoidable impacts to other aquatic resources and the proposed compensatory mitigation (e.g., stream, lakes, & wildlife).
12. Other details about the proposed mitigation project, including
  - a. Goals and objectives;
  - b. Proposed improvements to the functions and environmental processes of the larger watershed;
  - c. Proposed buffers for the compensatory mitigation site (width and total area);
  - d. Maintenance frequency;
  - e. Monitoring period and frequency; and
  - f. Potential adaptive management measures resulting from monitoring conclusions.

**B. Assessment of Impacts.** The purpose of this section of the document is to describe how the development project will affect wetlands and other aquatic resources. A development project can have long term temporary, short term temporary, indirect and direct impacts to wetlands and other aquatic resources. Describe all types of impacts. Provide detailed documentation on how wetland

and other aquatic resources will be adversely affected at the proposed development site, including the following:

1. Area of wetland/stream impacts;
2. Description of water regime (stream, lakes, rivers, wetlands, subsurface flow, etc.), including:
  - a. Description of the source of water to the wetland being affected by the development project. If several sources are present, estimate the percentage contribution from each;
  - b. Description of hydrologic regime of the wetland being affected (i.e. rough, qualitative estimated of duration and frequency of inundation and/or saturation. Use generally accepted terms such as permanent open water, seasonally flooded, seasonally saturated, wet pasture, etc.); and
  - c. Map of the surface and groundwater flowing into the impacted area with the direction of water flow indicated.
3. *Description of the soils, including:*
  - a. Description of the soil characteristics of the wetland being affected including; soil type and classification; and a description of texture, color, structure, permeability, and organic content;
  - b. Soil survey map; and
  - c. Map showing soil sampling locations (typically the location of the soil pits used for delineation).
4. Description of the vegetation in and around critical areas, including qualitative descriptions of the different Cowardin (1979) classes of the wetland being affected (include subclass and water regime modifiers). If a forested class is present, also estimate the average age of the canopy species.
5. An estimate of the relative abundance of dominant and subdominant plants within each Cowardin class (use information collected during routine delineation unless more detailed data are available).
6. List of the wetland indicator status of dominant and subdominant species, including:

- a. Description of the prevalence and distribution of non native and/or invasive species, if any are present at the wetland being affected; and
  - b. General description of upland plant communities within 330 ft. of the wetland, stream or lake being affected, if any; and
  - c. List of rare plants and plant communities that are known to occur on the development project site or adjacent properties. If any of these species are observed on the site, include descriptions of the occurrence and any potential impacts to them. Please include Department of Natural Resources database search results.
7. Description of fauna using the site, including:
- a. Description of the animals (including amphibians) using the wetland and buffer being affected. In most cases, a list of species likely to use the habitats on the site is sufficient, with brief descriptions of the existing habitats. Note species seen and amount of time spent looking for on-site wildlife; and
  - b. Include a description of federal and state listed endangered, threatened, sensitive and candidate animal species that are known to occur in the general area of the development site, as well as observations of such species. Also, include those listed as "Priority Species" or "Species of Concern" by the Washington State Department of Fish and Wildlife (see <http://wdfw.wa.gov/hab/phspace.htm> and <http://wdfw.wa.gov/wlm/diversity/soc/concern.htm>).
8. Position and functions of the wetland(s)/stream(s) in the landscape, including:
- a. Class of the wetland and/or stream classification being affected by the development. Use the hydrogeomorphic classification (class and subclass) to describe its position in the watershed. Note downstream receiving waters, if any; and
  - b. Qualitative description of the functions performed by the wetland and/or stream being affected relative to the position in the watershed. This may include its role in attenuating flooding, as a corridor for wildlife between different regions of the watershed, as part of a regional flyway, or in improving water quality regionally; and
  - c. Description of the sampling and assessment methods used.

9. Description of the functions provided by the wetland(s)/stream(s), including:
  - a. Description of the functions provided by the wetland and/or stream being affected and to what level they are performed (e.g. the site provides the function "Removing Sediment" at a high level, the score for "Removing Sediment" that results from applying (name the method) is X, with X being the highest score that can be achieved); and
  - b. Qualitative or quantities, description of the characteristics that enable the wetland and/or stream being affected to perform specific functions, depending on the method used.
10. Wetland rating and/or stream classifications, including:
  - a. The category of the wetland being affected and/or the classification of stream being affected using the City's Critical Areas Ordinance (CAO); and
  - b. If applicable, copies of the original data sheets used to rate the wetland.
11. Information concerning buffers, including:
  - a. Size (width) of the undeveloped Critical Areas Ordinance (CAO) required upland buffer being affected by the development project;
  - b. Qualitative description of the dominant vegetation in the buffer and the physical structure of plants in it; and
  - c. Maps of the buffer areas and the vegetation types.
12. Water quality information, including:
  - a. Description of any known water quality problems at the development site and whether they will continue after the development project is completed; and
  - b. Assessment of whether the development project is expected to worsen or improve existing water quality conditions.

**C. Proposed Mitigation Sites.**

1. The following information must be provided concerning proposed mitigation sites:
  - a. Location, including map showing the location of site in relation to the project impact site; and
  - b. Site ownership (current and future);
  - c. Site selection rationale, including a discussion of how the site fits with the environmental needs in the watershed. If watershed or regional planning efforts exist for the area, explain how the selection of the compensation site is consistent with those plans.
  - d. Site constraints, including a description of the constraints at the mitigation site that could affect the success of the mitigation project and strategies used to address each constraint. (Constraints may include factors outside of the control of the applicant such as a primary water source for the mitigation wetland originating offsite, the potential for other landowners to alter the source, etc).

**D. Existing (baseline) conditions of the Mitigation Site.**

1. The following information must be provided regarding existing conditions of the mitigation site:
  - a. Historic and current land uses and zoning;
  - b. Known historic or cultural resources on the mitigation site;
  - c. Existing wetlands on or adjacent to the development site;
  - d. Maps showing current contours as surveyed. This is needed particularly when mitigation activities will alter ground elevations.
  - e. Description of the water regime;
  - f. Description of the soils;
  - g. Description of the vegetation;
  - h. Description of fauna using the site;
  - i. Position and function of the wetland(s)/stream(s) in the landscape;
  - j. Description of the functions provided by the wetland(s)/stream(s);

- k. Wetland rating/stream classification;
- l. Buffers; and
- m. Water quality.

**E. Mitigation Approach.**

1. The following information must be provided regarding the mitigation approach:
  - a. Mitigation sequencing (see RCDG 20D.140.10-080);
  - b. Project-specific goals. Identify the goal or goals of the compensatory mitigation project (e.g. provide adequate compensation for losses and degradation to wetland area and function);
  - c. Mitigation strategy, including a description in general terms of the strategies that will be used to achieve the goals;
  - d. *Site specific goals, objective and performance standards for the site*
    - i. The goals and objectives for a mitigation site are intended to describe the ecological functions planned for the site and how those will be achieved. Performance standards are used to evaluate whether the goals and objectives are being met. Each objective shall be matched with one or more appropriate standards along with methods for monitoring them. In addition, maintenance must be designed for each objective.
    - ii. A description of the long-term goals of the mitigation project must be included and must address:
      - A. The size of the mitigation site;
      - B. Cowardin class, hydrogeomorphic class or subclass, and categorization (rating) for the wetlands to be restored, created, enhanced and/or preserved.
      - C. Target functions and/or environmental process to be restored, created, enhanced and/or preserved.

- iii. A description of the objectives for each goal, with a minimum of at least one measurable objective for each goal must be included.
- iv. Performance measures of each objective must be included.

**F. Description of Mitigation Design.**

- 1. The following information must be provided regarding mitigation design:
  - a. Description of the water regime and how adequate amounts of water will be provided to support a wetland and/or description of enhanced stream design including any in-water features;
  - b. Type of development (existing and proposed land uses);
  - c. Discussion of how the mitigation plan will compensate for lost and degraded functions. Provide rationale for each proposed function and describe the design features that would contribute to providing the function; and
  - d. Section drawings showing relationship of topography to water regime and vegetation.

**G. Mitigation Plan Requirements.**

- 1. The following information is required for mitigation plans:
  - a. Orientation and scale (1" = 20');
  - b. Existing and proposed elevation contours (2 foot contours);
  - c. Spot elevation for low points, high points, and structures;
  - d. Property Boundaries;
  - e. On-site wetland boundaries (delineated and surveyed);
  - f. On-site ordinary high water mark (OHWM) boundaries for streams, and both OHWM and floodplain boundaries for Class 1 waters (delineated and surveyed);
  - g. Survey of benchmarks;
  - h. Location and elevation of soil borings or test pits;

- i. Location and elevation of water elevation sampling devices, if applicable;
- j. Location of soil to be stockpiled, if any;
- k. Description of methods of erosion control and bank stabilization;

Symbol	Scientific Name	Common Name	Size	Spacing	Quantity
● (Example)	Thuja plicata	Western Red Cedar	6 feet	See table below	10

- l. Buffer areas for the mitigation site and their boundaries;
- m. List native plant materials. Provide a table that contains the following information:

- i. Spacing: Triangular spacing shall be used to calculate plant density within mitigation areas (see table below);

Spacing	Multiplier	Planting Area Sq Ft	Number of Plants
4' (Example)	.0725 (Example)	2000 square feet (Example)	145 (Example)
4'	.0725		
5'	.0465		
6'	.032		
8'	.018		
10'	.0116		
12'	.008		
15'	.00515		

- i. Size: All plants shall have following minimum size at installation:
  - A. Deciduous and Evergreen trees: minimum 5 gallon containers;
  - B. Medium and tall shrubs: minimum 2 gallon containers;



- C. Groundcover: 1 gallon container (spaced at 18 inches o.c.);
  - D. Emergent plants: 10 cubic inch pots (spaced at 18 inches o.c.);
  - n. Other planting details (B&B, bare root, live stakes, etc.);
  - o. Other habitat feature details (rootwads, stone piles, snags etc.);
  - p. Expected natural revegetation. From existing seed bank and natural recruitment from nearby sites;
  - q. Description of methods to control invasive species; and
  - r. Description of permanent protective features (fencing and signage).
- H. Irrigation Plan.** If temporary irrigation is used, a plan and details shall be submitted to and approved by the City's Planning Department.
- I. Monitoring Plan.**
- 1. Monitoring and contingency plans shall be consistent with RCDG 20D.140.10-150. The monitoring program shall be used to determine the success of the mitigation project and any necessary corrective actions. Monitoring programs must comply with the City's guidelines set forth in RCDG 20D.140.10-150(3). Monitoring methods and components shall be consistent with RCDG 20D.140.10-150(3) (e), as outlined below:
    - a. Vegetation Monitoring: Methods shall include counts, photo points, random sampling, sampling plots, transects, visual inspections, and/or other means deemed appropriate by the Department and a qualified consultant. Vegetation monitoring components shall include general appearance, health, mortality, colonization rates, percent cover, percent survival, volunteer plant species, invasive weeds, and/or other components deemed appropriate by the Department and a qualified consultant.
    - b. Water Quantity Monitoring: Methods shall include piezometers, sampling points, stream gauges, visual observation, and/or other means deemed appropriate by the Department and a qualified consultant. Water quantity monitoring components shall include water level, peak flows, soil saturation depth, soil moisture within root zone, inundation, overall water coverage, and/or other

components deemed appropriate by the Department and a qualified consultant.

- c. Water Quality Monitoring: Methods shall include testing, plant indicators, and/or other means deemed appropriate by the Department and a qualified consultant. Water quality monitoring components shall include temperature, pH, dissolved oxygen, total suspended solids, total metals, herbicides, pesticides, and/or other components deemed appropriate by the Department and a qualified consultant.
  - d. Wildlife Monitoring: Methods shall include visual sightings, aural observations, nests, scat, tracks, and/or other means deemed appropriate by the Department and a qualified consultant. Wildlife monitoring components shall include species counts, species diversity, breeding activity, habitat type, nesting activity, location, usage, and/or other components deemed appropriate by the Department and a qualified consultant.
  - e. Geomorphic Monitoring: Methods shall include cross-sectional surveys, profile surveys, point surveys, photo-monitoring, and/or other means deemed appropriate by the Department and a qualified consultant. Monitoring components shall include location and effect of large woody debris, depth and frequency of pools, bank erosion, channel migration, sediment transport/deposition, structural integrity of weirs; and/or other components deemed appropriate by the Department and a qualified consultant.
- 2. A map of sampling locations and description of how the locations will be determined for each monitoring event.

**J. Maintenance and Contingency Plans (Text on Plan Sheet).**

- 1. The following information is required for Maintenance and Contingency Plans:
  - a. Maintenance Plan (text);
  - b. Description of and reason for each maintenance activity planned; and
  - c. Contingency plan, including:
    - i. Initiating procedures; and

ii. Description of contingency funds.

- K. **Financial Assurances.** The amount of the guarantees shall be based upon a detailed budget for implementation of the mitigation plan, including installation, monitoring, maintenance and contingency phases for a minimum of five years.
- L. **Final Mitigation Plan Set.** The applicant shall submit a final mitigation plan set prepared by a qualified consultant when filing for civil construction drawings review or building permit, whichever is applicable. The final civil drawings or building permit (as applicable) shall not be approved until the final mitigation plan and bonds have been approved and accepted by the City.
- M. **Record Drawings.** Wetland/Stream mitigation record drawings shall be submitted to the City along with engineering record drawings. A copy of the mitigation record drawings shall be submitted to the Planning Department. The record drawings shall include a table identifying the following information for each wetland or stream on site:

Wetland(s) and/or Stream(s)	Area (sq.ft.) undisturbed wetland/stream	Area (sq.ft.) of mitigated wetland/stream	Area (sq.ft.) and width (ft.) of buffers	Linear feet (l.f.) along the centerline of undisturbed streams	Linear feet (l.f.) along the centerline of relocated stream, if any
Wetland A (Example)	560 square feet	560 square feet	625 square feet + 25 foot buffer	N/A	N/A

**CITY OF REDMOND  
HABITAT UNIT ASSESSMENT FORM**

HABITAT UNIT: \_\_\_\_\_  
 LOCATION: \_\_\_\_\_  
 TOTAL SCORE: \_\_\_\_\_

Habitat Parameter	Scoring Criteria	Habitat Unit Score
<b>Size</b>	<ul style="list-style-type: none"> <li>• &gt;50 acres = 3 points</li> <li>• 10-50 acres = 2 points</li> <li>• 0-10 acres = 1 point</li> </ul>	
<b>Vegetation Community Types</b>	<ul style="list-style-type: none"> <li>• ≥ 4 types = 3 points</li> <li>• 2-3 types = 2 points</li> <li>• 1 type = 1 point</li> <li>• None = 0 points</li> </ul>	
<b>Community Interspersion</b>	<ul style="list-style-type: none"> <li>• High = 3 points</li> <li>• Medium = 2 points</li> <li>• Low = 1 point</li> <li>• None = 0 points</li> </ul>	
<b>Priority Species Presence</b>	<ul style="list-style-type: none"> <li>• Threatened &amp; Endangered Species = 3 points</li> <li>• Candidate Species = 2 points</li> <li>• Monitor Species = 1 point</li> <li>• None = 0 points</li> </ul>	
<b>Priority Species Habitat Use</b>	<ul style="list-style-type: none"> <li>• Breeding = 3 points</li> <li>• Roosting = 2 points</li> <li>• Foraging = 1 point</li> <li>• None = 0 points</li> </ul>	
<b>Habitat Continuity</b>	<ul style="list-style-type: none"> <li>• Links protected habitats = 3 points</li> <li>• Links unprotected habitats = 2 points</li> <li>• Extends habitat corridor = 1 point</li> <li>• None = 0 points</li> </ul>	
<b>Forest Vegetation Layers</b>	<ul style="list-style-type: none"> <li>• 3 layers = 3 points</li> <li>• 2 layers = 2 points</li> <li>• 1 layers = 1 point</li> <li>• None = 0 points</li> </ul>	
<b>Forest Age</b>	<ul style="list-style-type: none"> <li>• Mature = 3 points</li> <li>• Pole = 2 points</li> <li>• Seedling/Shrub = 1 point</li> <li>• None = 0 points</li> </ul>	
<b>Invasive Species Presence</b>	<ul style="list-style-type: none"> <li>• 0-25% = 3 points</li> <li>• 26-50% = 2 points</li> <li>• 51-75% = 1 point</li> <li>• 75-100% = 0 points</li> </ul>	

**CITY OF REDMOND  
HABITAT UNIT ASSESSMENT FORM**

**VEGETATION COMMUNITY TYPES:**

**INVASIVE PLANTS:**

**HABITAT FEATURES (snags, perches, downed logs, etc):**

**WILDLIFE OBSERVATIONS (direct or indirect):**

**THREATS TO HABITAT INTEGRITY:**

**OTHER NOTES:**

## STREAM SUMMARY SHEET

Stream Summary			Buffer Summary			Riparian Corridor Summary		
Label <sup>1</sup>	Type <sup>2</sup>	Linear Feet <sup>3</sup>	Required <sup>4</sup>	Proposed <sup>5</sup>	Averaging <sup>6</sup>	Disturbed Area <sup>7</sup>	Filled Area <sup>8</sup>	Mitigation Area <sup>9</sup>

<sup>1</sup> Stream A, B, C, etc.

<sup>2</sup> Stream type per City stream classification system.

<sup>3</sup> Length of stream on the property.

<sup>4</sup> Required buffer width in feet per RCDG.

<sup>5</sup> Proposed buffer width in feet.

<sup>6</sup> Note if buffer averaging is used. If so, identify minimum and maximum buffer widths in feet as well as area in square feet contained within the buffer prior to and after averaging.

<sup>7</sup> Area of buffer that is disturbed in square feet.

<sup>8</sup> Area of buffer to be filled in square feet, such as for a road crossing.

<sup>9</sup> Location and size in square feet of riparian corridor mitigation.

## WETLAND SUMMARY SHEET

Wetland Summary			Buffer Summary				Wetland Impacts		Mitigation Summary		
Label <sup>1</sup>	Category <sup>2</sup>	Size <sup>3</sup>	Required <sup>4</sup>	Proposed <sup>5</sup>	Increase <sup>6</sup> Reduce <sup>7</sup>	Averaging <sup>8</sup>	Fill <sup>9</sup>	Paper Fill <sup>10</sup>	Ratio <sup>11</sup>	Area <sup>12</sup>	Location <sup>13</sup>

<sup>1</sup> Wetland A, B, C, etc.

<sup>2</sup> Wetland category per City wetland classification system.

<sup>3</sup> Area of wetland.

<sup>4</sup> Required buffer width in feet per RCDG.

<sup>5</sup> Proposed buffer width in feet.

<sup>6</sup> Does the uniqueness of the wetland require an increased buffer? If so, what is the width in feet.

<sup>7</sup> Is there a request to reduce the buffer width? If so, what is the width in feet.

<sup>8</sup> Is buffer averaging being used? If so, what is the average buffer width in feet.

<sup>9</sup> Amount of wetland fill.

<sup>10</sup> Amount of paper fill.

<sup>11</sup> Required ratio for wetland mitigation per RCDG.

<sup>12</sup> Size of mitigation area.

<sup>13</sup> Note location of mitigation area (keyed to the mitigation map).

**DATA FORM 1 (Revised)**  
**Routine Wetland Determination**  
**(WA State Wetland Delineation Manual or**  
**1987 Corps Wetland Delineation Manual)**

Project/Site:				Date:			
Applicant/owner:				County:			
Investigator(s):				State:			
Do Normal Circumstances exist on the site?                      yes      no				S/T/R:			
Is the site significantly disturbed (atypical situation)?              yes      no				Community ID:			
Is the area a potential Problem Area?                      yes      no				Transect ID:			
Explanation of atypical or problem area:				Plot ID:			
<b>VEGETATION</b> (For strata, indicate T = tree; S = shrub; H = herb; V = vine)							
Dominant Plant Species	Stratum	% cover	Indicator	Dominant Plant Species	Stratum	% cover	Indicator
<b>HYDROPHYTIC VEGETATION INDICATORS:</b>							
% of dominants OBL, FACW, & FAC _____							
Check all indicators that apply & explain below:							
Visual observation of plant species growing in areas of prolonged inundation/saturation _____				Physiological/reproductive adaptations _____			
Morphological adaptations _____				Wetland plant database _____			
Technical Literature _____				Personal knowledge of regional plant communities _____			
Other (explain) _____				Other (explain) _____			
Hydrophytic vegetation present?                      yes      no							
Rationale for decision/Remarks:							
<b>HYDROLOGY</b>							
Is it the growing season?                      yes      no				Water Marks:    yes    no		Sediment Deposits:    yes    no	
Based on: _____ soil temp (record temp _____)				on _____		Drift Lines:    yes    no	
other (explain) _____				Oxidized Root (live roots) Channels <12 in.    yes    no		Drainage Patterns:    yes    no	
Dept. of inundation: _____ inches				FAC Neutral:    yes    no		Local Soil Survey:    yes    no	
Depth to free water in pit: _____ inches				Water-stained Leaves    yes    no			
Depth to saturated soil: _____ inches				Other (explain):			
Check all that apply & explain below:							
Stream, Lake or gage data: _____				Other (explain):			
Aerial photographs: _____				Other: _____			
Wetland hydrology present?                      yes      no							
Rationale for decision/Remarks:							



**SOILS**Map Unit Name \_\_\_\_\_  
(Series & Phase)

Drainage Class \_\_\_\_\_

Taxonomy (subgroup) \_\_\_\_\_

Field observations confirm Yes No  
mapped type?

Profile Description						
Depth (inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance size & contrast	Texture, concretions, structure, etc.	Drawing of soil profile (match description)

**Hydric Soil Indicators: (check all that apply)**

<input type="checkbox"/> Histosol	<input type="checkbox"/> Matrix chroma $\leq 2$ with mottles
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> Mg or Fe Concretions
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> High Organic Content in Surface Layer of Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National/Local Hydric Soils List
<input type="checkbox"/> Gleyed or Low-Chroma ( $\leq 1$ ) matrix	<input type="checkbox"/> Other (explain in remarks)

**Hydric soils present?**      yes      no  
Rationale for decision/Remarks:

**Wetland Determination (circle)**

Hydrophytic vegetation present?	yes	no	Is the sampling point within a wetland?	yes	no
Hydric soils present?	yes	no			
Wetland hydrology present?	yes	no			

Rationale/Remarks:

NOTES:

## Data Form 2: Atypical Situations

Applicant Name: \_\_\_\_\_ Applicant Number: \_\_\_\_\_ Project Name: \_\_\_\_\_  
Location: \_\_\_\_\_ Plot Number: \_\_\_\_\_ Date: \_\_\_\_\_

### A. Vegetation:

1. Type of Alteration: \_\_\_\_\_  
\_\_\_\_\_
2. Effect on Vegetation: \_\_\_\_\_  
\_\_\_\_\_
3. Previous Vegetation: \_\_\_\_\_  
(Attach documentation) \_\_\_\_\_
4. Hydrophytic Vegetation? Yes \_\_\_\_\_ No \_\_\_\_\_

### B. Soils:

1. Type of Alteration: \_\_\_\_\_  
\_\_\_\_\_
2. Effect on Soils: \_\_\_\_\_  
\_\_\_\_\_
3. Previous Soils: \_\_\_\_\_  
(Attach documentation) \_\_\_\_\_
4. Hydric Soils? Yes \_\_\_\_\_ No \_\_\_\_\_

### C. Hydrology:

1. Type of Alteration: \_\_\_\_\_  
\_\_\_\_\_
2. Effect on Hydrology: \_\_\_\_\_  
\_\_\_\_\_
3. Previous Hydrology: \_\_\_\_\_  
(Attach documentation) \_\_\_\_\_
4. Wetland Hydrology? Yes \_\_\_\_\_ No \_\_\_\_\_  
Characterized By: \_\_\_\_\_

Wetland name or number \_\_\_\_\_

**WETLAND RATING FORM – WESTERN WASHINGTON**  
Version 2 - Updated July 2006 to increase accuracy and reproducibility among users  
Updated Oct 2008 with the new WDFW definitions for priority habitats

Name of wetland (if known): \_\_\_\_\_ Date of site visit: \_\_\_\_\_

Rated by \_\_\_\_\_ Trained by Ecology? Yes \_\_\_ No \_\_\_ Date of training \_\_\_\_\_

SEC: \_\_\_\_\_ TWSHP: \_\_\_\_\_ RNGE: \_\_\_\_\_ Is S/T/R in Appendix D? Yes \_\_\_ No \_\_\_

Map of wetland unit: Figure \_\_\_\_\_ Estimated size \_\_\_\_\_

**SUMMARY OF RATING**

Category based on **FUNCTIONS** provided by wetland

I \_\_\_ II \_\_\_ III \_\_\_ IV \_\_\_

Category I = Score  $\geq 70$   
Category II = Score 51-69  
Category III = Score 30-50  
Category IV = Score  $< 30$

Score for Water Quality Functions

Score for Hydrologic Functions

Score for Habitat Functions

TOTAL score for Functions


Category based on **SPECIAL CHARACTERISTICS** of wetland

I \_\_\_ II \_\_\_ Does not Apply \_\_\_

Final Category (choose the "highest" category from above)

--

**Summary of basic information about the wetland unit**

Wetland Unit has Special Characteristics	Wetland HGM Class used for Rating	
Estuarine	Depressional	
Natural Heritage Wetland	Riverine	
Bog	Lake-fringe	
Mature Forest	Slope	
Old Growth Forest	Flats	
Coastal Lagoon	Freshwater Tidal	
Interdunal		
None of the above	Check if unit has multiple HGM classes present	

Wetland name or number \_\_\_\_\_

**Does the wetland unit being rated meet any of the criteria below?**

If you answer YES to any of the questions below you will need to protect the wetland according to the regulations regarding the special characteristics found in the wetland.

<b>Check List for Wetlands That May Need Additional Protection (in addition to the protection recommended for its category)</b>	<b>YES</b>	<b>NO</b>
SP1. <i>Has the wetland unit been documented as a habitat for any Federally listed Threatened or Endangered animal or plant species (T/E species)?</i> For the purposes of this rating system, "documented" means the wetland is on the appropriate state or federal database.		
SP2. <i>Has the wetland unit been documented as habitat for any State listed Threatened or Endangered animal species?</i> For the purposes of this rating system, "documented" means the wetland is on the appropriate state database. Note: Wetlands with State listed plant species are categorized as Category I Natural Heritage Wetlands (see p. 19 of data form).		
SP3. <i>Does the wetland unit contain individuals of Priority species listed by the WDFW for the state?</i>		
SP4. <i>Does the wetland unit have a local significance in addition to its functions?</i> For example, the wetland has been identified in the Shoreline Master Program, the Critical Areas Ordinance, or in a local management plan as having special significance.		

To complete the next part of the data sheet you will need to determine the  
Hydrogeomorphic Class of the wetland being rated.

The hydrogeomorphic classification groups wetlands into those that function in similar ways. This simplifies the questions needed to answer how well the wetland functions. The Hydrogeomorphic Class of a wetland can be determined using the key below. See p. 24 for more detailed instructions on classifying wetlands.

Wetland name or number \_\_\_\_\_

### Classification of Wetland Units in Western Washington

If the hydrologic criteria listed in each question do not apply to the entire unit being rated, you probably have a unit with multiple HGM classes. In this case, identify which hydrologic criteria in questions 1-7 apply, and go to Question 8.

1. Are the water levels in the entire unit usually controlled by tides (i.e. except during floods)?

NO – go to 2

YES – the wetland class is **Tidal Fringe**

If yes, is the salinity of the water during periods of annual low flow below 0.5 ppt (parts per thousand)? YES – **Freshwater Tidal Fringe** NO – **Saltwater Tidal Fringe (Estuarine)**

*If your wetland can be classified as a Freshwater Tidal Fringe use the forms for Riverine wetlands. If it is Saltwater Tidal Fringe it is rated as an Estuarine wetland. Wetlands that were called estuarine in the first and second editions of the rating system are called Salt Water Tidal Fringe in the Hydrogeomorphic Classification. Estuarine wetlands were categorized separately in the earlier editions, and this separation is being kept in this revision. To maintain consistency between editions, the term "Estuarine" wetland is kept. Please note, however, that the characteristics that define Category I and II estuarine wetlands have changed (see p. ).*

2. The entire wetland unit is flat and precipitation is the only source (>90%) of water to it.

Groundwater and surface water runoff are NOT sources of water to the unit.

NO – go to 3

YES – The wetland class is **Flats**

*If your wetland can be classified as a "Flats" wetland, use the form for Depressional wetlands.*

3. Does the entire wetland unit meet both of the following criteria?

\_\_\_ The vegetated part of the wetland is on the shores of a body of permanent open water (without any vegetation on the surface) at least 20 acres (8 ha) in size;

\_\_\_ At least 30% of the open water area is deeper than 6.6 ft (2 m)?

NO – go to 4

YES – The wetland class is **Lake-fringe (Lacustrine Fringe)**

4. Does the entire wetland unit meet all of the following criteria?

\_\_\_ The wetland is on a slope (slope can be very gradual).

\_\_\_ The water flows through the wetland in one direction (unidirectional) and usually comes from seeps. It may flow subsurface, as sheetflow, or in a swale without distinct banks.

\_\_\_ The water leaves the wetland without being impounded?

NOTE: *Surface water does not pond in these type of wetlands except occasionally in very small and shallow depressions or behind hummocks (depressions are usually <3ft diameter and less than 1 foot deep).*

NO – go to 5

YES – The wetland class is **Slope**

Wetland name or number \_\_\_\_\_

5. Does the entire wetland unit meet all of the following criteria?

\_\_\_\_\_ The unit is in a valley, or stream channel, where it gets inundated by overbank flooding from that stream or river

\_\_\_\_\_ The overbank flooding occurs at least once every two years.

*NOTE: The riverine unit can contain depressions that are filled with water when the river is not flooding.*

NO - go to 6      YES - The wetland class is **Riverine**

6. Is the entire wetland unit in a topographic depression in which water ponds, or is saturated to the surface, at some time during the year. *This means that any outlet, if present, is higher than the interior of the wetland.*

NO - go to 7      YES - The wetland class is **Depressional**

7. Is the entire wetland unit located in a very flat area with no obvious depression and no overbank flooding. The unit does not pond surface water more than a few inches. The unit seems to be maintained by high groundwater in the area. The wetland may be ditched, but has no obvious natural outlet.

NO - go to 8      YES - The wetland class is **Depressional**

8. Your wetland unit seems to be difficult to classify and probably contains several different HGM classes. For example, seeps at the base of a slope may grade into a riverine floodplain, or a small stream within a depressional wetland has a zone of flooding along its sides. **GO BACK AND IDENTIFY WHICH OF THE HYDROLOGIC REGIMES DESCRIBED IN QUESTIONS 1-7 APPLY TO DIFFERENT AREAS IN THE UNIT** (make a rough sketch to help you decide). Use the following table to identify the appropriate class to use for the rating system if you have several HGM classes present within your wetland. *NOTE: Use this table only if the class that is recommended in the second column represents 10% or more of the total area of the wetland unit being rated. If the area of the class listed in column 2 is less than 10% of the unit, classify the wetland using the class that represents more than 90% of the total area.*

<i>HGM Classes within the wetland unit being rated</i>	<i>HGM Class to Use in Rating</i>
Slope + Riverine	Riverine
Slope + Depressional	Depressional
Slope + Lake-fringe	Lake-fringe
Depressional + Riverine along stream within boundary	Depressional
Depressional + Lake-fringe	Depressional
Salt Water Tidal Fringe and any other class of freshwater wetland	Treat as ESTUARINE under wetlands with special characteristics

If you are unable still to determine which of the above criteria apply to your wetland, or if you have more than 2 HGM classes within a wetland boundary, classify the wetland as **Depressional** for the rating.

Wetland name or number \_\_\_\_\_

D Depressional and Flats Wetlands		Points (only 1 score per box)
<b>WATER QUALITY FUNCTIONS</b> - Indicators that the wetland unit functions to improve water quality		
D	<b>D 1. Does the wetland unit have the <u>potential</u> to improve water quality?</b>	(see p. 38)
D	<b>D 1.1 Characteristics of surface water flows out of the wetland:</b> Unit is a depression with no surface water leaving it (no outlet) points = 3 Unit has an intermittently flowing, OR highly constricted permanently flowing outlet points = 2 Unit has an unconstricted, or slightly constricted, surface outlet ( <i>permanently flowing</i> ) points = 1 Unit is a "flat" depression (Q. 7 on key), or in the Flats class, with permanent surface outflow and no obvious natural outlet and/or outlet is a man-made ditch points = 1 (If ditch is not permanently flowing treat unit as "intermittently flowing") Provide photo or drawing	Figure _____
D	<b>S 1.2 The soil 2 inches below the surface (or duff layer) is clay or organic (use NRCS definitions)</b> YES points = 4 NO points = 0	
D	<b>D 1.3 Characteristics of persistent vegetation (emergent, shrub, and/or forest Cowardin class)</b> Wetland has persistent, ungrazed, vegetation >= 95% of area points = 5 Wetland has persistent, ungrazed, vegetation >= 1/2 of area points = 3 Wetland has persistent, ungrazed vegetation >= 1/10 of area points = 1 Wetland has persistent, ungrazed vegetation <1/10 of area points = 0 Map of Cowardin vegetation classes	Figure _____
D	<b>D 1.4 Characteristics of seasonal ponding or inundation.</b> <i>This is the area of the wetland unit that is ponded for at least 2 months, but dries out sometime during the year. Do not count the area that is permanently ponded. Estimate area as the average condition 5 out of 10 yrs.</i> Area seasonally ponded is > 1/2 total area of wetland points = 4 Area seasonally ponded is > 1/4 total area of wetland points = 2 Area seasonally ponded is < 1/4 total area of wetland points = 0 Map of Hydroperiods	Figure _____
D	<b>Total for D 1</b> Add the points in the boxes above	
D	<b>D 2. Does the wetland unit have the <u>opportunity</u> to improve water quality?</b> Answer YES if you know or believe there are pollutants in groundwater or surface water coming into the wetland that would otherwise reduce water quality in streams, lakes or groundwater downgradient from the wetland. Note which of the following conditions provide the sources of pollutants. A unit may have pollutants coming from several sources, but any single source would qualify as opportunity. — Grazing in the wetland or within 150 ft — Untreated stormwater discharges to wetland — Tilled fields or orchards within 150 ft of wetland — A stream or culvert discharges into wetland that drains developed areas, residential areas, farmed fields, roads, or clear-cut logging — Residential, urban areas, golf courses are within 150 ft of wetland — Wetland is fed by groundwater high in phosphorus or nitrogen — Other _____ YES multiplier is 2 NO multiplier is 1	(see p. 44)
D	<b>TOTAL - Water Quality Functions</b> Multiply the score from D1 by D2 Add score to table on p. 1	multiplier _____

Wetland name or number \_\_\_\_\_

D Depressional and Flats Wetlands		Points
HYDROLOGIC FUNCTIONS - Indicators that the wetland unit functions to reduce flooding and stream degradation		(only 1 score per box)
	<b>D 3. Does the wetland unit have the potential to reduce flooding and erosion?</b>	(see p. 46)
D	<b>D 3.1 Characteristics of surface water flows out of the wetland unit</b> Unit is a depression with no surface water leaving it (no outlet) points = 4 Unit has an intermittently flowing, OR highly constricted permanently flowing outlet points = 2 Unit is a "flat" depression (Q. 7 on key), or in the Flats class, with permanent surface outflow and no obvious natural outlet and/or outlet is a man-made ditch points = 1 (If ditch is not permanently flowing treat unit as "intermittently flowing") Unit has an unconstricted, or slightly constricted, surface outlet (permanently flowing) points = 0	
D	<b>D 3.2 Depth of storage during wet periods</b> Estimate the height of ponding above the bottom of the outlet. For units with no outlet measure from the surface of permanent water or deepest part (if dry). Marks of ponding are 3 ft or more above the surface or bottom of outlet points = 7 The wetland is a "headwater" wetland points = 5 Marks of ponding between 2 ft to < 3 ft from surface or bottom of outlet points = 5 Marks are at least 0.5 ft to < 2 ft from surface or bottom of outlet points = 3 Unit is flat (yes to Q. 2 or Q. 7 on key) but has small depressions on the surface that trap water points = 1 Marks of ponding less than 0.5 ft points = 0	
D	<b>D 3.3 Contribution of wetland unit to storage in the watershed</b> Estimate the ratio of the area of upstream basin contributing surface water to the wetland to the area of the wetland unit itself. The area of the basin is less than 10 times the area of unit points = 5 The area of the basin is 10 to 100 times the area of the unit points = 3 The area of the basin is more than 100 times the area of the unit points = 0 Entire unit is in the FLATS class points = 5	
D	<b>Total for D 3</b>	Add the points in the boxes above
D	<b>D 4: Does the wetland unit have the opportunity to reduce flooding and erosion?</b> Answer YES if the unit is in a location in the watershed where the flood storage, or reduction in water velocity, it provides helps protect downstream property and aquatic resources from flooding or excessive and/or erosive flows. Answer NO if the water coming into the wetland is controlled by a structure such as flood gate, tide gate, flap valve, reservoir etc. OR you estimate that more than 90% of the water in the wetland is from groundwater in areas where damaging groundwater flooding does not occur. Note which of the following indicators of opportunity apply: — Wetland is in a headwater of a river or stream that has flooding problems — Wetland drains to a river or stream that has flooding problems — Wetland has no outlet and impounds surface runoff water that might otherwise flow into a river or stream that has flooding problems — Other _____ YES multiplier is 2 NO multiplier is 1	(see p. 49)
D	<b>TOTAL - Hydrologic Functions</b> Multiply the score from D 3 by D 4	multiplier
	Add score to table on p. 1	



100

100

Wetland name or number \_\_\_\_\_

R Riverine and Freshwater Tidal Fringe Wetlands		Points
HYDROLOGIC FUNCTIONS - Indicators that wetland functions to reduce flooding and stream erosion		(only 1 score per box)
	<b>R 3. Does the wetland unit have the <u>potential</u> to reduce flooding and erosion?</b>	(see p. 54)
R	<p>R 3.1 Characteristics of the overbank storage the unit provides:  <i>Estimate the average width of the wetland unit perpendicular to the direction of the flow and the width of the stream or river channel (distance between banks). Calculate the ratio: ( average width of unit)/( average width of stream between banks).</i>            If the ratio is more than 20 points = 9            If the ratio is between 10 - 20 points = 6            If the ratio is 5 - &lt;10 points = 4            If the ratio is 1 - &lt;5 points = 2            If the ratio is &lt; 1 points = 1</p> <p style="text-align: right;">Aerial photo or map showing average widths</p>	Figure _____
R	<p>R 3.2 Characteristics of vegetation that slow down water velocities during floods: <i>Treat large woody debris as "forest or shrub". Choose the points appropriate for the best description. (polygons need to have &gt;90% cover at person height NOT Cowardin classes):</i>            Forest or shrub for &gt;1/3 area OR herbaceous plants &gt; 2/3 area points = 7            Forest or shrub for &gt; 1/10 area OR herbaceous plants &gt; 1/3 area points = 4            Vegetation does not meet above criteria points = 0</p> <p style="text-align: right;">Aerial photo or map showing polygons of different vegetation types</p>	Figure _____
R	Add the points in the boxes above	
R	<p><b>R 4. Does the wetland unit have the <u>opportunity</u> to reduce flooding and erosion?</b>            Answer YES if the unit is in a location in the watershed where the flood storage, or reduction in water velocity, it provides helps protect downstream property and aquatic resources from flooding or excessive and/or erosive flows. <i>Note which of the following conditions apply.</i></p> <ul style="list-style-type: none"> <li>— There are human structures and activities downstream (roads, buildings, bridges, farms) that can be damaged by flooding.</li> <li>— There are natural resources downstream (e.g. salmon redds) that can be damaged by flooding</li> <li>— Other _____</li> </ul> <p>(Answer NO if the major source of water to the wetland is controlled by a reservoir or the wetland is tidal fringe along the sides of a dike)            YES multiplier is 2 NO multiplier is 1</p>	(see p. 57)
R	<p><b>TOTAL - Hydrologic Functions</b> Multiply the score from R 3 by R 4            Add score to table on p. 1</p>	

Comments \_\_\_\_\_

Wetland name or number \_\_\_\_\_

L Lake-fringe Wetlands		Points
WATER QUALITY FUNCTIONS - Indicators that the wetland unit functions to improve water quality		(only 1 score per box)
L	L 1. Does the wetland unit have the <u>potential</u> to improve water quality?	(see p. 59)
L	L 1.1 Average width of vegetation along the lakeshore (use polygons of Cowardin classes): Vegetation is more than 33ft (10m) wide points = 6 Vegetation is more than 16 (5m) wide and <33ft points = 3 Vegetation is more than 6ft (2m) wide and <16 ft points = 1 Vegetation is less than 6 ft wide points = 0 Map of Cowardin classes with widths marked	Figure ____
L	L 1.2 Characteristics of the vegetation in the wetland: choose the appropriate description that results in the highest points, and do not include any open water in your estimate of coverage. The herbaceous plants can be either the dominant form or as an understory in a shrub or forest community. These are not Cowardin classes. Area of Cover is total cover in the unit, but it can be in patches. NOTE: Herbaceous does not include aquatic bed. Cover of herbaceous plants is >90% of the vegetated area points = 6 Cover of herbaceous plants is >2/3 of the vegetated area points = 4 Cover of herbaceous plants is >1/3 of the vegetated area points = 3 Other vegetation that is not aquatic bed or herbaceous covers > 2/3 unit points = 3 Other vegetation that is not aquatic bed in > 1/3 vegetated area points = 1 Aquatic bed vegetation and open water cover > 2/3 of the unit points = 0 Map with polygons of different vegetation types	Figure ____
L	Add the points in the boxes above	
L	L 2. Does the wetland have the <u>opportunity</u> to improve water quality? Answer YES if you know or believe there are pollutants in the lake water, or polluted surface water flowing through the unit to the lake. Note which of the following conditions provide the sources of pollutants. A unit may have pollutants coming from several sources, but any single source would qualify as opportunity. — Wetland is along the shores of a lake or reservoir that does not meet water quality standards — Grazing in the wetland or within 150ft — Polluted water discharges to wetland along upland edge — Tilled fields or orchards within 150 feet of wetland — Residential or urban areas are within 150 ft of wetland — Parks with grassy areas that are maintained, ballfields, golf courses (all within 150 ft. of lake shore) — Power boats with gasoline or diesel engines use the lake — Other _____ YES multiplier is 2 NO multiplier is 1	(see p. 61)
L	TOTAL - Water Quality Functions Multiply the score from L1 by L2 Add score to table on p. 1	

Comments

Wetland name or number \_\_\_\_\_

Lake-fringe Wetlands		Points (only 1 score per box)										
HYDROLOGIC FUNCTIONS: Indicators that the wetland unit functions to reduce shoreline erosion.												
L	L 3: Does the wetland unit have the <u>potential</u> to reduce shoreline erosion?	(see p. 62)										
L	L 3 Distance along shore and average width of Cowardin classes along the lakeshore (do not include aquatic bed): (choose the highest scoring description that matches conditions in the wetland) <table border="0"> <tr> <td>&gt; ¼ of distance is shrubs or forest at least 33 ft (10m) wide</td> <td>points = 6</td> </tr> <tr> <td>&gt; ¼ of distance is shrubs or forest at least 6 ft (2 m) wide</td> <td>points = 4</td> </tr> <tr> <td>&gt; ¼ distance is shrubs or forest at least 33 ft (10m) wide</td> <td>points = 4</td> </tr> <tr> <td>Vegetation is at least 6 ft (2m) wide (any type except aquatic bed)</td> <td>points = 2</td> </tr> <tr> <td>Vegetation is less than 6 ft (2m) wide (any type except aquatic bed)</td> <td>points = 0</td> </tr> </table> Aerial photo or map with Cowardin vegetation classes	> ¼ of distance is shrubs or forest at least 33 ft (10m) wide	points = 6	> ¼ of distance is shrubs or forest at least 6 ft (2 m) wide	points = 4	> ¼ distance is shrubs or forest at least 33 ft (10m) wide	points = 4	Vegetation is at least 6 ft (2m) wide (any type except aquatic bed)	points = 2	Vegetation is less than 6 ft (2m) wide (any type except aquatic bed)	points = 0	Figure _____
> ¼ of distance is shrubs or forest at least 33 ft (10m) wide	points = 6											
> ¼ of distance is shrubs or forest at least 6 ft (2 m) wide	points = 4											
> ¼ distance is shrubs or forest at least 33 ft (10m) wide	points = 4											
Vegetation is at least 6 ft (2m) wide (any type except aquatic bed)	points = 2											
Vegetation is less than 6 ft (2m) wide (any type except aquatic bed)	points = 0											
L	Record the points from the box above											
L	L 4: Does the wetland unit have the <u>opportunity</u> to reduce erosion? Are there features along the shore that will be impacted if the shoreline erodes? Note which of the following conditions apply. <ul style="list-style-type: none"> <li>— There are human structures and activities along the upland edge of the wetland (buildings, fields) that can be damaged by erosion.</li> <li>— There are undisturbed natural resources along the upland edge of the wetland (e.g. mature forests other wetlands) that can be damaged by shoreline erosion</li> <li>— Other _____</li> </ul> YES multiplier is 2      NO multiplier is 1	(see p. 63)  multiplier										
L	TOTAL - Hydrologic Functions Multiply the score from L 3 by L 4 Add score to table on p. 1											

Comments

Wetland name or number \_\_\_\_\_

S Slope Wetlands		Points
WATER QUALITY FUNCTIONS - Indicators that the wetland unit functions to improve water quality.		(only 1 score per box)
S	S 1. Does the wetland unit have the <u>potential</u> to improve water quality?	(see p.64)
S	S 1.1 Characteristics of average slope of unit: Slope is 1% or less (a 1% slope has a 1 foot vertical drop in elevation for every 100 ft horizontal distance) points = 3 Slope is 1% - 2% points = 2 Slope is 2% - 5% points = 1 Slope is greater than 5% points = 0	
S	S 1.2 The soil 2 inches below the surface (or duff layer) is clay or organic (use NRCS definitions) YES = 3 points NO = 0 points	
S	S 1.3 Characteristics of the vegetation in the wetland that trap sediments and pollutants: Choose the points appropriate for the description that best fits the vegetation in the wetland. Dense vegetation means you have trouble seeing the soil surface (>75% cover), and uncut means not grazed or mowed and plants are higher than 6 inches. Dense, uncut, herbaceous vegetation > 90% of the wetland area points = 6 Dense, uncut, herbaceous vegetation > 1/2 of area points = 3 Dense, woody, vegetation > 1/3 of area points = 2 Dense, uncut, herbaceous vegetation > 1/4 of area points = 1 Does not meet any of the criteria above for vegetation points = 0 Aerial photo or map with vegetation polygons	Figure _____
S	Total for S 1 Add the points in the boxes above	
S	S 2. Does the wetland unit have the <u>opportunity</u> to improve water quality? Answer YES if you know or believe there are pollutants in groundwater or surface water coming into the wetland that would otherwise reduce water quality in streams, lakes or groundwater downgradient from the wetland. Note which of the following conditions provide the sources of pollutants. A unit may have pollutants coming from several sources, but any single source would qualify as opportunity.  — Grazing in the wetland or within 150ft — Untreated stormwater discharges to wetland — Tilled fields, logging, or orchards within 150 feet of wetland — Residential, urban areas, or golf courses are within 150 ft upslope of wetland — Other _____ YES multiplier is 2 NO multiplier is 1	(see p.67)
S	TOTAL - Water Quality Functions Multiply the score from S1 by S2 Add score to table on p. 1	multiplier _____

Comments \_\_\_\_\_


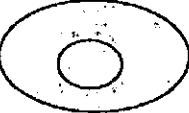


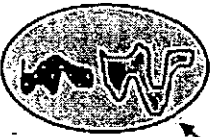
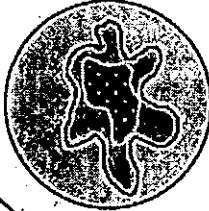
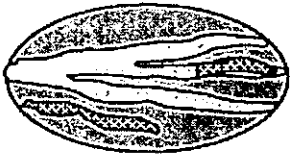
Wetland name or number \_\_\_\_\_

S Slope Wetlands		Points (only 1 score per box)
HYDROLOGIC FUNCTIONS - Indicators that the wetland unit functions to reduce flooding and stream erosion		
	S 3. Does the wetland unit have the <u>potential</u> to reduce flooding and stream erosion?	(see p. 68)
S	<p>S 3.1 Characteristics of vegetation that reduce the velocity of surface flows during storms: Choose the points appropriate for the description that best fit conditions in the wetland. (stems of plants should be thick enough (usually &gt; 1/8in), or dense enough, to remain erect during surface flows)</p> <p>Dense, uncut, rigid vegetation covers &gt; 90% of the area of the wetland. points = 6</p> <p>Dense, uncut, rigid vegetation &gt; 1/2 area of wetland points = 3</p> <p>Dense, uncut, rigid vegetation &gt; 1/4 area points = 1</p> <p>More than 1/4 of area is grazed, mowed, tilled or vegetation is not rigid points = 0</p>	
S	<p>S 3.2 Characteristics of slope wetland that holds back small amounts of flood flows:</p> <p>The slope wetland has small surface depressions that can retain water over at least 10% of its area.</p> <p>YES points = 2</p> <p>NO points = 0</p>	
S	Add the points in the boxes above	
S	<p>S 4. Does the wetland have the <u>opportunity</u> to reduce flooding and erosion?</p> <p>Is the wetland in a landscape position where the reduction in water velocity it provides helps protect downstream property and aquatic resources from flooding or excessive and/or erosive flows? Note which of the following conditions apply:</p> <p>— Wetland has surface runoff that drains to a river or stream that has flooding problems</p> <p>— Other _____</p> <p>(Answer NO if the major source of water is controlled by a reservoir (e.g. wetland is a seep that is on the downstream side of a dam))</p> <p>YES multiplier is 2 NO multiplier is 1</p>	(see p. 70)
S	TOTAL - Hydrologic Functions Multiply the score from S 3 by S 4	multiplier _____
	Add score to table on p. 1	

Comments



Wetland name or number \_\_\_\_\_

<p><b>H 1.4. Interspersion of habitats</b> (see p. 76) Decide from the diagrams below whether interspersion between Cowardin vegetation classes (described in H 1.1), or the classes and unvegetated areas (can include open-water or mudflats) is high, medium, low, or none.</p> <div style="text-align: center;">     </div> <div style="text-align: center;">    </div> <p>NOTE: If you have four or more classes or three vegetation classes and open water the rating is always "high". Use map of Cowardin vegetation classes</p>	<p>Figure _____</p>
<p><b>H 1.5. Special Habitat Features:</b> (see p. 77) Check the habitat features that are present in the wetland. The number of checks is the number of points you put into the next column.</p> <p><input type="checkbox"/> Large, downed, woody debris within the wetland (&gt;4in. diameter and 6 ft long):</p> <p><input type="checkbox"/> Standing snags (diameter at the bottom &gt; 4 inches) in the wetland</p> <p><input type="checkbox"/> Undercut banks are present for at least 6.6 ft (2m) and/or overhanging vegetation extends at least 3.3 ft (1m) over a stream (or ditch) in, or contiguous with the unit, for at least 33 ft (10m)</p> <p><input type="checkbox"/> Stable steep banks of fine material that might be used by beaver or muskrat for denning (&gt;30degree slope) OR signs of recent beaver activity are present (cut shrubs or trees that have not yet turned grey/brown)</p> <p><input type="checkbox"/> At least ¼ acre of thin-stemmed persistent vegetation or woody branches are present in areas that are permanently or seasonally inundated. (structures for egg-laying by amphibians)</p> <p><input type="checkbox"/> Invasive plants cover less than 25% of the wetland area in each stratum of plants</p> <p>NOTE: The 20% stated in early printings of the manual on page 78 is an error.</p>	
<p><b>H 1. TOTAL Score</b> - potential for providing habitat Add the scores from H1.1, H1.2, H1.3, H1.4, H1.5</p>	

Comments



Wetland name or number \_\_\_\_\_

<b>H 2: Does the wetland unit have the opportunity to provide habitat for many species?</b>		Figure _____
<p><b>H 2.1 Buffers</b> (see p. 80)  Choose the description that best represents condition of buffer of wetland unit. The highest scoring criterion that applies to the wetland is to be used in the rating. See text for definition of "undisturbed."</p> <ul style="list-style-type: none"> <li>— 100 m (330ft) of relatively undisturbed vegetated areas, rocky areas, or open water &gt;95% of circumference. No structures are within the undisturbed part of buffer. (relatively undisturbed also means no-grazing, no landscaping, no daily human use) Points = 5</li> <li>— 100 m (330 ft) of relatively undisturbed vegetated areas, rocky areas, or open water &gt; 50% circumference. Points = 4</li> <li>— 50 m (170ft) of relatively undisturbed vegetated areas, rocky areas, or open water &gt;95% circumference. Points = 4</li> <li>— 100 m (330ft) of relatively undisturbed vegetated areas, rocky areas, or open water &gt; 25% circumference. Points = 3</li> <li>— 50 m (170ft) of relatively undisturbed vegetated areas, rocky areas, or open water for &gt; 50% circumference. Points = 3</li> </ul> <p style="text-align: center;">If buffer does not meet any of the criteria above</p> <ul style="list-style-type: none"> <li>— No paved areas (except paved trails) or buildings within 25 m (80ft) of wetland &gt; 95% circumference. Light to moderate grazing, or lawns are OK. Points = 2</li> <li>— No paved areas or buildings within 50m of wetland for &gt;50% circumference. Light to moderate grazing, or lawns are OK. Points = 2</li> <li>— Heavy grazing in buffer. Points = 1</li> <li>— Vegetated buffers are &lt;2m wide (6.6ft) for more than 95% of the circumference (e.g. tilled fields, paving, basalt bedrock extend to edge of wetland) Points = 0</li> <li>— Buffer does not meet any of the criteria above. Points = 1</li> </ul> <p style="text-align: right;">Aerial photo showing buffers</p>		
<p><b>H 2.2 Corridors and Connections</b> (see p. 81)</p> <p>H 2.2.1 Is the wetland part of a relatively undisturbed and unbroken vegetated corridor (either riparian or upland) that is at least 150 ft wide, has at least 30% cover of shrubs, forest or native undisturbed prairie, that connects to estuaries, other wetlands or undisturbed uplands that are at least 250 acres in size? (dams in riparian corridors, heavily used gravel roads, paved roads, are considered breaks in the corridor).</p> <p>YES = 4 points (go to H 2.3) NO = go to H 2.2.2</p> <p>H 2.2.2 Is the wetland part of a relatively undisturbed and unbroken vegetated corridor (either riparian or upland) that is at least 50ft wide, has at least 30% cover of shrubs or forest, and connects to estuaries, other wetlands or undisturbed uplands that are at least 25 acres in size? OR a Lake-fringe wetland; if it does not have an undisturbed corridor as in the question above?</p> <p>YES = 2 points (go to H 2.3) NO = H 2.2.3</p> <p>H 2.2.3 Is the wetland:</p> <p style="padding-left: 20px;">within 5 mi (8km) of a brackish or salt water estuary. OR</p> <p style="padding-left: 20px;">within 3 mi of a large field or pasture (&gt;40 acres) OR</p> <p style="padding-left: 20px;">within 1 mi of a lake greater than 20 acres?</p> <p>YES = 1 point NO = 0 points</p>		

Total for page \_\_\_\_\_

Wetland name or number \_\_\_\_\_

H 2.3 Near or adjacent to other priority habitats listed by WDFW (see new and complete descriptions of WDFW priority habitats, and the counties in which they can be found, in the PHS report <http://wdfw.wa.gov/hab/phslist.htm>)

Which of the following priority habitats are within 330ft (100m) of the wetland unit? NOTE: the connections do not have to be relatively undisturbed.

- ☐ Aspen Stands: Pure or mixed stands of aspen greater than 0.4 ha (1 acre).
  - ☐ Biodiversity Areas and Corridors: Areas of habitat that are relatively important to various species of native fish and wildlife (full descriptions in WDFW PHS report p. 152).
  - ☐ Herbaceous Balds: Variable size patches of grass and forbs on shallow soils over bedrock.
  - ☐ Old-growth/Mature forests: (Old-growth west of Cascade crest) Stands of at least 2 tree species, forming a multi-layered canopy with occasional small openings; with at least 20 trees/ha (8 trees/acre) > 81 cm (32 in) dbh or > 200 years of age. (Mature forests) Stands with average diameters exceeding 53 cm (21 in) dbh; crown cover may be less than 100%; crown cover may be less than 100%; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth; 80 - 200 years old west of the Cascade crest.
  - ☐ Oregon white Oak: Woodlands Stands of pure oak or oak/conifer associations where canopy coverage of the oak component is important (full descriptions in WDFW PHS report p. 158).
  - ☐ Riparian: The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.
  - ☐ Westside Prairies: Herbaceous, non-forested plant communities that can either take the form of a dry prairie or a wet prairie (full descriptions in WDFW PHS report p. 161).
  - ☐ Instream: The combination of physical, biological, and chemical processes and conditions that interact to provide functional life history requirements for instream fish and wildlife resources.
  - ☐ Nearshore: Relatively undisturbed nearshore habitats. These include Coastal Nearshore, Open Coast Nearshore, and Puget Sound Nearshore. (full descriptions of habitats and the definition of relatively undisturbed are in WDFW report: pp. 167-169 and glossary in Appendix A).
  - ☐ Caves: A naturally occurring cavity, recess, void, or system of interconnected passages under the earth in soils, rock, ice, or other geological formations and is large enough to contain a human.
  - ☐ Cliffs: Greater than 7.6 m (25 ft) high and occurring below 5000 ft.
  - ☐ Talus: Homogenous areas of rock rubble ranging in average size 0.15 - 2.0 m (0.5 - 6.5 ft), composed of basalt, andesite, and/or sedimentary rock, including riprap slides and mine tailings. May be associated with cliffs.
  - ☐ Snags and Logs: Trees are considered snags if they are dead or dying and exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height of > 51 cm (20 in) in western Washington and are > 2 m (6.5 ft) in height. Priority logs are > 30 cm (12 in) in diameter at the largest end, and > 6 m (20 ft) long.
    - If wetland has 3 or more priority habitats = 4 points
    - If wetland has 2 priority habitats = 3 points
    - If wetland has 1 priority habitat = 1 point
    - No habitats = 0 points
- Note: All vegetated wetlands are by definition a priority habitat but are not included in this list. Nearby wetlands are addressed in question H 2.4)

Wetland name or number \_\_\_\_\_

<p><b>H 2.4 Wetland Landscape</b> (<i>choose the one description of the landscape around the wetland that best fits</i>) (<i>see p. 84</i>)</p> <p>There are at least 3 other wetlands within ½ mile, and the connections between them are relatively undisturbed (light grazing between wetlands OK, as is lake shore with some boating, but connections should NOT be bisected by paved roads, fill, fields, or other development. points = 5</p> <p>The wetland is Lake-fringe on a lake with little disturbance and there are 3 other lake-fringe wetlands within ½ mile points = 5</p> <p>There are at least 3 other wetlands within ½ mile, BUT the connections between them are disturbed points = 3</p> <p>The wetland is Lake-fringe on a lake with disturbance and there are 3 other lake-fringe wetland within ½ mile points = 3</p> <p>There is at least 1 wetland within ½ mile. points = 2</p> <p>There are no wetlands within ½ mile. points = 0</p>	
<p><b>H 2. TOTAL Score - opportunity for providing habitat</b>  <i>Add the scores from H2.1; H2.2, H2.3, H2.4</i></p>	
<p><b>TOTAL for H 1 from page 14</b></p>	
<p><b>Total Score for Habitat Functions</b> – add the points for H 1, H 2 and record the result on p. 1</p>	

Wetland name or number \_\_\_\_\_

### CATEGORIZATION BASED ON SPECIAL CHARACTERISTICS

*Please determine if the wetland meets the attributes described below and circle the appropriate answers and Category.*

Wetland Type <i>Check off any criteria that apply to the wetland. Circle the Category when the appropriate criteria are met.</i>	Category
<b>SC 1.0 Estuarine wetlands (see p. 86)</b> Does the wetland unit meet the following criteria for Estuarine wetlands? — The dominant water regime is tidal, — Vegetated, and — With a salinity greater than 0.5 ppt. YES = Go to SC 1.1                      NO ____	
<b>SC 1.1</b> Is the wetland unit within a National Wildlife Refuge, National Park, National Estuary Reserve, Natural Area Preserve, State Park or Educational, Environmental, or Scientific Reserve designated under WAC 332-30-151? YES = Category I                      NO go to SC 1.2	<b>Cat. I</b>
<b>SC 1.2</b> Is the wetland unit at least 1 acre in size and meets at least two of the following three conditions? YES = Category I NO = Category II — The wetland is relatively undisturbed (has no diking, ditching, filling, cultivation, grazing, and has less than 10% cover of non-native plant species. If the non-native <i>Spartina</i> spp. are the only species that cover more than 10% of the wetland, then the wetland should be given a dual rating (I/II). The area of <i>Spartina</i> would be rated a Category II while the relatively undisturbed upper marsh with native species would be a Category I. Do not, however, exclude the area of <i>Spartina</i> in determining the size threshold of 1 acre. — At least ¾ of the landward edge of the wetland has a 100 ft buffer of shrub, forest, or un-grazed or un-mowed grassland. — The wetland has at least 2 of the following features: tidal channels, depressions with open water, or contiguous freshwater wetlands.	<b>Cat. I</b> <b>Cat. II</b>  <b>Dual rating</b> <b>I/II</b>

Wetland name or number \_\_\_\_\_

<p><b>SC 2.0 Natural Heritage Wetlands (see p. 87)</b> Natural Heritage wetlands have been identified by the Washington Natural Heritage Program/DNR as either high quality undisturbed wetlands or wetlands that support state Threatened, Endangered, or Sensitive plant species.</p> <p>SC 2.1 Is the wetland unit being rated in a Section/Township/Range that contains a Natural Heritage wetland? <i>(this question is used to screen out most sites before you need to contact WNHP/DNR)</i> S/T/R information from Appendix D ____ or accessed from WNHP/DNR web site ____</p> <p>YES ____ – contact WNHP/DNR (see p. 79) and go to SC 2.2      NO ____</p> <p>SC 2.2 Has DNR identified the wetland as a high quality undisturbed wetland or as or as a site with state threatened or endangered plant species? YES = Category I      NO ____ not a Heritage Wetland</p>	<p><b>Cat. I</b></p>
<p><b>SC 3.0 Bogs (see p. 87)</b> Does the wetland unit (or any part of the unit) meet both the criteria for soils and vegetation in bogs? Use the key below to identify if the wetland is a bog. If you answer yes you will still need to rate the wetland based on its functions.</p> <p>1. Does the unit have organic soil horizons (i.e. layers of organic soil), either peats or mucks, that compose 16 inches or more of the first 32 inches of the soil profile? (See Appendix B for a field key to identify organic soils)? Yes - go to Q. 3      No - go to Q. 2</p> <p>2. Does the unit have organic soils, either peats or mucks that are less than 16 inches deep over bedrock, or an impermeable hardpan such as clay or volcanic ash, or that are floating on a lake or pond? Yes - go to Q. 3      No - Is not a bog for purpose of rating</p> <p>3. Does the unit have more than 70% cover of mosses at ground level, AND other plants, if present, consist of the "bog" species listed in Table 3 as a significant component of the vegetation (more than 30% of the total shrub and herbaceous cover consists of species in Table 3)? Yes - Is a bog for purpose of rating      No - go to Q. 4</p> <p>NOTE: If you are uncertain about the extent of mosses in the understory, you may substitute that criterion by measuring the pH of the water that seeps into a hole dug at least 16" deep. If the pH is less than 5.0 and the "bog" plant species in Table 3 are present, the wetland is a bog.</p> <p>1. Is the unit forested (&gt; 30% cover) with sitka spruce, subalpine fir, western red cedar, western hemlock, lodgepole pine, quaking aspen, Englemann's spruce, or western white pine, WITH any of the species (or combination of species) on the bog species plant list in Table 3 as a significant component of the ground cover (&gt; 30% coverage of the total shrub/herbaceous cover)?</p> <p>2. YES = Category I      No ____ Is not a bog for purpose of rating</p>	<p><b>Cat. I</b></p>

Wetland name or number \_\_\_\_\_

<p><b>SC 4.0 Forested Wetlands (see p. 90)</b>  Does the wetland unit have at least 1 acre of forest that meet one of these criteria for the Department of Fish and Wildlife's forests as priority habitats? <i>If you answer yes you will still need to rate the wetland based on its functions.</i></p> <ul style="list-style-type: none"> <li>— <b>Old-growth forests:</b> (west of Cascade crest) Stands of at least two tree species, forming a multi-layered canopy with occasional small openings; with at least 8 trees/acre (20 trees/hectare) that are at least 200 years of age OR have a diameter at breast height (dbh) of 32 inches (81 cm) or more.</li> </ul> <p>NOTE: The criterion for dbh is based on measurements for upland forests. Two-hundred year old trees in wetlands will often have a smaller dbh because their growth rates are often slower. The DFW criterion is and "OR" so old-growth forests do not necessarily have to have trees of this diameter.</p> <ul style="list-style-type: none"> <li>— <b>Mature forests:</b> (west of the Cascade Crest) Stands where the largest trees are 80 – 200 years old OR have average diameters (dbh) exceeding 21 inches (53cm); crown cover may be less than 100%; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth.</li> </ul> <p>YES = Category I      NO ___ not a forested wetland with special characteristics</p>	<p><b>Cat. I</b></p>
<p><b>SC 5.0 Wetlands in Coastal Lagoons (see p. 91)</b>  Does the wetland meet all of the following criteria of a wetland in a coastal lagoon?</p> <ul style="list-style-type: none"> <li>— The wetland lies in a depression adjacent to marine waters that is wholly or partially separated from marine waters by sandbanks, gravel banks, shingle, or, less frequently, rocks</li> <li>— The lagoon in which the wetland is located contains surface water that is saline or brackish (&gt; 0.5 ppt) during most of the year in at least a portion of the lagoon (<i>needs to be measured near the bottom</i>)</li> </ul> <p>YES = Go to SC 5.1      NO ___ not a wetland in a coastal lagoon</p> <p><b>SC 5.1 Does the wetland meets all of the following three conditions?</b></p> <ul style="list-style-type: none"> <li>— The wetland is relatively undisturbed (has no diking, ditching, filling, cultivation, grazing); and has less than 20% cover of invasive plant species (see list of invasive species on p. 74).</li> <li>— At least ¼ of the landward edge of the wetland has a 100 ft buffer of shrub, forest, or un-grazed or un-mowed grassland.</li> <li>— The wetland is larger than 1/10 acre (4350 square feet)</li> </ul> <p>YES = Category I      NO = Category II</p>	<p><b>Cat. I</b></p> <p><b>Cat. II</b></p>

Wetland name or number \_\_\_\_\_

<p><b>SC 6.0 Interdunal Wetlands (see p. 93)</b></p> <p>Is the wetland unit west of the 1889 line (also called the Western Boundary of Upland Ownership or WBUO)?</p> <p>YES - go to SC 6.1                      NO __ not an interdunal wetland for rating</p> <p><i>If you answer yes you will still need to rate the wetland based on its functions.</i></p> <p>In practical terms that means the following geographic areas:</p> <ul style="list-style-type: none"> <li>• Long Beach Peninsula- lands west of SR 103</li> <li>• Grayland-Westport- lands west of SR 105</li> <li>• Ocean Shores-Copalis- lands west of SR 115 and SR 109</li> </ul> <p>SC 6.1 Is the wetland one acre or larger, or is it in a mosaic of wetlands that is once acre or larger?</p> <p>YES = Category II                      NO - go to SC 6.2</p> <p>SC 6.2 Is the unit between 0.1 and 1 acre, or is it in a mosaic of wetlands that is between 0.1 and 1 acre?</p> <p>YES = Category III</p>	<p></p> <p><b>Cat. II</b></p> <p><b>Cat. III</b></p>
<p><b>Category of wetland based on Special Characteristics</b></p> <p><i>Choose the "highest" rating if wetland falls into several categories, and record on p. 1.</i></p> <p><i>If you answered NO for all types enter "Not Applicable" on p. 1.</i></p>	<p></p>





## Definitions

### 20A.20.030 "C" Definitions.

#### Core Preservation Area.

Those areas that protect habitat and that are preserved through any of the regulatory mechanisms provided in this Zoning Code, including Native Growth Protection Easements/Areas, Class I streams and their buffers, Class II through IV streams, and other areas similarly protected. Core Preservation Areas may also include lands where development rights have been sold and some lands with recorded open space easements, depending on the purpose of the easement. These areas include wetlands and streams and their associated buffers as they become identified at a site-specific level.

### 20A.20.040 "D" Definitions.

#### ~~Diameter/Diameter-Breast Height (d.b.h.).~~

~~The diameter of any tree trunk, measured at four and one-half feet above average grade. For species of trees whose normal growth habit is characterized by multiple stems (e.g., hazelnut, vine maple) diameter shall mean the average diameter of all stems of the tree, measured at a point six inches from the point where the stems digress from the main trunk. In no case shall a branch more than six inches above average grade be considered a stem. For the purposes of code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be diameter of the top of the stump. (Ord. 1998)~~

#### Diameter at Breast Height (d.b.h.).

The diameter of any tree trunk, measured at four and one-half feet above average grade. For species of trees whose normal growth habit is characterized by multiple stems (e.g., hazelnut, vine maple) diameter shall mean the average diameter of all stems of the tree, measured at a point six inches from the point where the stems digress from the main trunk. In no case shall a branch more than six inches above average grade be considered a stem. (SMP) (Ord. 2486)

#### Deleterious Substances.

Include, but are not limited to, chemical and microbial substances that are not classified as hazardous materials under Section 20A.20.080 of the Zoning Code, whether the substances are in usable or waste condition, that have the potential to pose a significant groundwater hazard, or for

which monitoring requirements or treatment-based standards are enforced under Chapter 246-290 WAC.

**20A.20.050 "E" Definitions.**

**Erosion Hazard Area.**

Those areas containing soils which, according to the United States Soil Conservation Service Soil Classification System, may experience severe to very severe erosion

**20A.20.060 "F" Definitions.**

**FEMA (Federal Emergency Management Administration) Floodway.**

The channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the FEMA base flood flow without increasing the FEMA base flood elevation more than one foot.

**Frequently Flooded Area.**

Areas and lands within the flood plain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

**20A.20.070 "G" Definitions.**

**Geologically Hazardous Areas.**

Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geologic events, are not suited to siting commercial, residential, or industrial development consistent with public health and safety concerns.

**Headwater Stream.**

A stream that is in the uppermost regions of a watershed or catchment area.

**20A.20.120 "L" Definitions.**

**Landmark Tree.**

Any healthy tree over thirty inches in diameter.

**Landslide Hazard Areas.**

Areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic features.

**20A.20.140 "N" Definitions.**

**~~Native Vegetation, Native Plant(s)~~**

~~A tree, shrub or groundcover plant of a species that is native to western Washington.~~

**Noise Wall.**

A wall typically placed around the perimeter of the property constructed with durable and decorative materials to mitigate the impact of noise exclusive of berms and limited to eight feet in height unless approved by the Technical Committee.

**20A.20.170 "Q" Definitions.**

**Qualified Consultant.**

For purposes of the critical areas regulations, "qualified consultant" shall mean a person who has attained a degree from an accredited college or university in the subject matter necessary to evaluate the sensitive area in question (e.g., biology or ecology for wetlands, streams and wildlife habitat; geology and/or civil engineering for geologic hazards and aquifer recharge areas), and who is professionally trained and/or certified or licensed to practice in the scientific disciplines necessary to identify, evaluate, manage and mitigate impacts to the sensitive area in question.

**Quality Habitat Areas.**

Areas that provide significant wildlife value by virtue of their characteristics. These characteristics include several parameters indicative of quality habitat, including size, community diversity, interspersed (spatial patterns), continuity, forest vegetation layers, forest age, and invasive plants.

**20A.20.190 "S" Definitions.**

**Salmonid.**

A species of the family Salmonidae: the salmons, trouts, chars, and whitefishes. (SMP).

**Salmonids.**

~~Fish of the family Salmonidae, including salmon, trout, and char.~~

**Seismic Hazard Areas.**

Lands or areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

**20A.20.200 "T" Definitions.**

**Three Tier Vegetative Plan.**

A landscape plan prepared or approved by a certified landscape architect, certified nurseryman, or certified landscaper that includes groundcover, understory plantings, and trees.

**20A.20.230 "W" Definitions.**

**Well.**

For the purposes of administering Chapter 20D.140 of the Zoning Code, Critical Areas, a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension that includes water wells, resource protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. For this purpose a well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

**Wetland or Wetlands.**

Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

### **Wetland Class.**

A hierarchy of systems, subsystems, classes and subclasses used by the U.S. Fish and Wildlife Service wetland classification scheme to describe wetland types (refer to USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States for a complete explanation of the wetland classification scheme). Eleven class names are used to describe wetland and deepwater habitat types. These include the following examples which may be found in Redmond: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, and aquatic bed

### **Wetland Subclass.**

Any of twenty-eight subclass names used in the USFWS wetland classification scheme to distinguish between different types of wetland classes. Subclass names include but are not limited to the following: persistent, nonpersistent, broad-leaved deciduous, needle-leaved deciduous, broad-leaved evergreen, and needle-leaved evergreen. The classification system is fully described in USFWS, 1979, Classification of Wetlands and Deepwater Habitats of the United States.

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